

The Library of Congress'

EARLY STATE RECORDS PROJECT

converted from the original microfilm held by the
Vincent C. Immel Law Library, Saint Louis University

through the generous support of a grant from the

Council on Library and Information Resources

THE
CONSTITUTION, AND ORDINANCES,

ADOPTED BY THE

STATE CONVENTION OF ALABAMA,

WHICH ASSEMBLED AT

MONTGOMERY,

ON THE

TWELFTH DAY OF SEPTEMBER, A. D. 1865;

WITH

INDEX, ANALYSIS, AND TABLE OF TITLES,

BY

J. W. SHEPHERD.

Checked

May 1913

~~MONTGOMERY~~

GIBSON & WHITFIELD—STATE PRINTERS:

1865.

150

1307

THE

CONSTITUTION, AND ORDINANCES,

ADOPTED BY THE

STATE CONVENTION OF ALABAMA,

WHICH ASSEMBLED AT

MONTGOMERY,

ON THE

TWELFTH DAY OF SEPTEMBER, A. D. 1865;

WITH

INDEX, ANALYSIS, AND TABLE OF TITLES,

BY

J. W. SHEPHERD.

MONTGOMERY,

GIBSON & WHITFIELD—STATE PRINTERS;

1865.

1144

THE NEW YORK
PUBLIC LIBRARY



ASTOR, LENOX AND
TILDEN FOUNDATIONS.

R 1900. L

ANALYSIS
OF THE
REVISED CONSTITUTION OF ALABAMA.

P R E A M B L E.

ARTICLE I.—DECLARATION OF RIGHTS.

Section 1. No one entitled to exclusive public emoluments or privileges, except for public services.

Section 2. Political power inherent in people; government founded on their authority, and may be altered by them at pleasure.

Section 3. Rights of conscience in matters of religion, held sacred.

Section 4. Church establishments, tithes, and religious tests, prohibited.

Section 5. Freedom of speech, and of publication of opinions, declared.

Section 6. Unreasonable seizures and searches, and general warrants, prohibited.

Section 7. Rights of accused in criminal cases: to be heard by self and counsel; to have copy of accusation; to be confronted by witnesses; to have process for procuring witnesses; also, speedy trial by jury of vicinage; not to be compelled to testify against himself, nor deprived of life, liberty, or property, without due course of law.

Section 8. No one to be accused, arrested, or detained, except by forms of law, nor to be punished, except by law existing prior to offence.

Section 9. Information abolished for indictable offences: exception, as to causes arising in land or naval forces, or in militia, and misdemeanors in office. *Proviso.* authorizing prosecutions for specified petty offences before justice of the peace, without grand jury.

Section 10. No one to be twice put in jeopardy for same offence

Section 11. Party to civil cause may prosecute or defend by self or counsel.

Section 12. Right of trial by jury to be inviolate.

Section 13. Prosecutions for libel; truth of publication may be given in evidence, and jury may decide law and fact.

Section 14. Courts to be open; every one to have remedy for injury, without sale, denial, or delay.

Section 15. Suits against the State allowed

Section 16. Excessive fines, and cruel punishments, prohibited.

Section 17. Bail; matter of right, before conviction; exception as to capital cases; not to be excessive

Section 18. Habeas corpus not to be suspended; exception in cases of rebellion or invasion.

Section 19. Treason against State defined; no one to be convicted, except on testimony of two witnesses, or confession in court.

Section 20. Attainder for treason prohibited; conviction not to cause corruption of blood or forfeiture.

Section 21. No forfeiture in case of suicide, or accidental death.

Section 22. Imprisonment for debt prohibited.

Section 23. Laws not to be suspended, except by General Assembly, or by its authority.

Section 24. Ex-post-facto laws, and laws impairing contracts, prohibited.

Section 25. Private property not to be taken for public use, without compensation to owner; nor for private use without his consent. *Proviso*, for securing right of way, and other rights for works of internal improvement.

Section 26. Right of citizens to assemble peaceably, and petition for redress of grievances.

Section 27. Right of citizen to bear arms in defence of self and State.

Section 28. No one compelled to bear arms against conscientious scruples.

Section 29. Standing army prohibited, except by consent of General Assembly; appropriations to be only for one year; military to be subordinate to civil power.

Section 30. Quartering soldiers on citizens prohibited.

Section 31. Titles of nobility, hereditary distinctions, &c., prohibited; tenure of office to be only during good behavior.

Section 32. Emigration not to be prohibited; no one to be exiled.

Section 33. Residence not forfeited by temporary absence.

Section 34. Slavery prohibited, except on conviction of crime.

Section 35. Right of suffrage to be protected by proper laws.

Section 36. Rights not expressly enumerated declared to be retained by the people.

ARTICLE II.—STATE BOUNDARIES AND COUNTIES.

Section 1. Boundaries of State defined.

Section 2. Boundaries and size of counties; establishment of new counties.

ARTICLE III.—DISTRIBUTION OF POWERS OF GOVERNMENT.

Section 1. Governmental powers divided into legislative, executive, and judicial departments.

Section 2. Departments to be kept distinct, and not united in same person.

ARTICLE IV.—LEGISLATIVE DEPARTMENT.

Section 1. Legislative power vested in senate and house of representatives, together constituting General Assembly.

Section 2. Style of laws; to be passed by bill, and relate to but one subject, which must be stated in title; amended law to be set out in full.

Section 3. Members of General Assembly chosen by qualified electors; elections for both houses to be governed by same regulations; elections to be held on first Monday in August, until changed by law.

Section 4. Who are ineligible to General Assembly: person holding other office, or convicted of bribery, &c., and public defaulter.

Section 5. Representatives chosen for two years; qualifications: must be white man, twenty-one years old, citizen of United States, resident of this State two years, and of county one year.

Section 6. House of representatives to consist of not more than one hundred members, who are to be apportioned according to white population; census to be taken every ten years for that purpose. *Proviso*, giving each county one member.

Section 7. Senate to be not less than one fourth, nor more than one third of house of representatives; senatorial districts to be formed after each census.

Section 8. Senators, qualifications: must be white man, twenty-seven years old, citizen of United States, resident of this State two years, and of district one year.

Section 9. Senators to be chosen for four years; but to be divided into two classes, holding for two and four years respectively.

Section 10. General Assembly to meet annually; session not to exceed thirty days, except by vote of two thirds of each house.

Section 11. Organization of each house; officers to be chosen for two years; each house to judge of qualifications, &c., of its members, except in cases of contested elections.

Section 12. Majority to constitute quorum; less number may adjourn, and compel attendance of absent members.

Section 13. Each house to adopt rules, and punish members for misbehavior.

Section 14. Each house may punish contempts, by persons not members, by imprisonment for not more than forty eight hours.

Section 15. Each house to keep journal; yeas and nays to be entered on request of two members; one member may enter protest.

Section 16. Doors of each house to be open.

Section 17. Neither house to adjourn alone for more than three days, nor to another place.

Section 18. Bills to originate in either house; to be read in each house on three several days, unless by vote of four fifths; and to be signed by presiding officers. *Proviso*, requiring revenue bills to originate in house of representatives.

Section 19. Elections to be *viva voce*; and votes to be entered on journals.

Section 20. Members of General Assembly not eligible to any other State office; except such as are filled by the people.

Section 21. Members privileged from arrest, except for treason, felony, or breach of peace; and not answerable elsewhere for words spoken in debate.

Section 22. Compensation of members to be fixed by law, and not to be increased during session.

Section 23. In case of vacancies, writs of election to be issued by Governor.

Section 24. Impeachments to be preferred by house of representatives; to be tried by senate, on oath; no conviction without concurrence of two thirds.

Section 25. Arbitration; laws to be enacted for deciding cases by.

Section 26. Penal code; reformatory, to be adopted from time to time.

Section 27. Digest of statute laws; to be published every ten years.

Section 28. Duelling; laws to be enacted against.

Section 29. Deductions from salaries of public officers, for neglect of duty, to be regulated by law.

Section 30. Divorces to be granted only by suit in chancery; and to be final unless appealed from in three months.

Section 31. Marriages between white persons and negroes to be prohibited by law, and parties subjected to criminal prosecutions.

Section 32. Works of internal improvement on roads and navigable rivers; laws to be made for ascertaining facts, and applying funds.

Section 33. Schools and education to be encouraged by law: school lands and funds to be preserved and strictly applied to specified object of grant; university lands and funds to be improved, preserved, and permanently secured.

Section 34. Banks; not more than one charter granted or renewed at same session of legislature; nor without concurrence of two thirds of each house, and in conformity with specified rules, viz:

Rule 1. Stockholders liable for debts in proportion to stock.

Rule 2. Remedy for collection of debts to be mutual.

Rule 3. One half of capital stock to be paid in before commencing business, and not to be less than one hundred thousand dollars.

Rule 4. Damages to holder of protested note to be twelve *per cent. per annum*.

Rule 5. Suspension of specie payments to work forfeiture of charter, unless sanctioned by General Assembly.

Section 35. Militia; laws to be enacted for organizing and disciplining, fixing rank of staff officers, &c. *Proviso*, as to election of adjutant and quartermaster by General Assembly; also, as to appointment of aids-de-camp and staff officers by commanding officer of division, brigade, and regiment respectively.

Section 36. Freedmen; laws to be made for their protection, and for interests of State.

Section 37. Money to be drawn from treasury only by regular appropriation; statement of receipts and disbursements to be published annually.

Section 38. Special legislation prohibited, when there is remedy by general law, or before courts.

Section 39. Lands to be taxed according to value.

Section 40. Power of taxation not to be delegated to individuals or private corporations.

Section 41. Money not to be borrowed on credit of State, except for military defence, without concurrence of two thirds of each house; nor debts of other State, person or corporation, to be guarantied; nor money or credit to be loaned or given away.

Section 42. Annexation of foreign territory; laws to be passed for the benefit of citizens according to terms of cession.

ARTICLE V.—EXECUTIVE DEPARTMENT.

Section 1. Governor to be chief executive.

Section 2. To be chosen by qualified electors, at general election for representatives.

Section 3. Returns of elections to be made to speaker of house of representatives, and opened in presence of both houses; in case of tie vote, Governor to be

chosen by General Assembly; contested elections to be decided by General Assembly, as by law provided.

Section 4. Governor to hold office two years; not to be eligible more than two successive terms; must be thirty years old, native citizen of the United States, and resident of this State four years.

Section 5. Compensation to be fixed by law, and not to be increased or diminished during term.

Section 6. Must reside where General Assembly is held, or where they may require.

Section 7. Is commander in chief of army and navy of State; rank to be fixed by General Assembly when serving with militia under United States.

Section 8. May call out militia, to execute laws, suppress insurrections, and repel invasions; may appoint aids-de-camp.

Section 9. May require information from State officers.

Section 10. May call extra sessions of General Assembly; and adjourn them in case of disagreement.

Section 11. Shall make communications to General Assembly on public affairs.

Section 12. Shall have laws executed.

Section 13. May grant reprieves and pardons, and remit fines and forfeitures.

Section 14. Shall keep and use great seal of State.

Section 15. Shall fill vacancies in offices vested in General Assembly.

Section 16. Must approve or veto bills; veto defeated by majority of each house.

Section 17. Joint resolutions to be approved or vetoed like bills.

Section 18. Governor not to hold any other office.

Section 19. In case of vacancy in office, president of senate, and, after him, speaker of house of representatives, to discharge duties of Governor.

Section 20. Compensation of Lieutenant Governor to be same as Governor.

ARTICLE VI.—JUDICIAL DEPARTMENT.

Section 1. Judicial power vested in supreme court, circuit courts, and inferior courts to be by law established.

Section 2. Supreme court to have appellate jurisdiction only, but may issue writs of injunction, *mandamus*, *quo warranto*, *habeas corpus*, &c.

Section 3. Must be held at capital, except when dangerous from enemy or disease.

Section 4. Circuits to be established of not less than three, nor more than six counties; judge in each, who must reside there.

Section 5. Circuit court to have original jurisdiction of civil and criminal cases; limited, as to civil, to cases involving more than fifty dollars.

Section 6. Circuit courts to be held twice in every year in each county; exchange of circuits by judges.

Section 7. Chancery court may be established. *Provido*, that circuit judges may grant injunctions.

Section 8. Probate court may be established in each county.

Section 9. Justices of the peace to be appointed in each county; jurisdiction in civil cases limited to one hundred dollars; right of appeal to be secured.

Section 10. Compensation of judges to be fixed by law, and not diminished during term of office; to receive no fees or perquisites, and hold no other office.

Section 11. Judges of supreme court, and chancellors, to be elected by General Assembly; circuit judges and probate judges by the people; elections by people to be held on first Monday in May, or other day by law appointed; vacancies to be filled by Governor.

Section 12. Judges to hold office for six years; but subject to removal by Governor, on address of General Assembly. *Provido*, specifying regulations in case of address for removal.

Section 13. Judges to be less than seventy years old.

Section 14. Are conservators of peace.

Section 15. Clerks of circuit and inferior courts to be elected by the people; to hold office four years, but subject to removal; vacancies to be filled by judge.

Section 16. Style of process; prosecutions to be in name of State, and conclude "against peace and dignity."

ARTICLE VII.—STATE AND COUNTY OFFICERS.

Section 1. Secretary of State, comptroller of public accounts, and State treasurer, to be elected by General Assembly; to hold office for two years; to perform duties, and receive compensation as by law provided.

Section 2. Attorney-general, and solicitor for each circuit, to be elected by General Assembly; to hold office four years; to perform duties required by law; compensation not to be diminished during term of office.

Section 3. Sheriff, to be elected in each county, by people; to hold office three years; not eligible two successive terms; vacancies to be filled by Governor.

Section 4. Who are disqualified to hold office: members of Congress, persons holding office under United States or other power, and persons convicted of bribery, &c.

Section 5. Commissions, to be in the name of the State, under great seal, signed by Governor, and attested by secretary of State.

Section 6. Official oath; to support constitution of United States, and of State of Alabama.

Section 7. All civil officers liable to impeachment; judgment not to extend beyond removal from, and disqualification to hold office; subject also to indictment.

ARTICLE VIII.—ELECTIONS BY THE PEOPLE.

Section 1. Qualifications of electors: must be white man, twenty-one years old, citizen of United States, resident in this State one year, and last three months in county. *Proviso*, excepting soldiers, seamen, and marines in United States service, and persons convicted of bribery, forgery, perjury, &c.

Section 2. Elections to be by ballot.

Section 3. Electors privileged from arrest, except for treason, felony, and breach of peace.

Section 4. Returns of elections to be made to secretary of State.

ARTICLE IX.—AMENDMENT AND REVISION OF CONSTITUTION.

Section 1. Specific amendments may be proposed by General Assembly, by vote of two thirds of each house; must be submitted to vote of people at next general election; if approved by majority, must be ratified by next General Assembly, by vote of two thirds of each house.

Section 2. No convention to be held, without question being first submitted to people, and approved.

THE
CONSTITUTION
OF THE
STATE OF ALABAMA,

AS REVISED AND AMENDED BY THE CONVENTION ASSEMBLED
AT MONTGOMERY, ON THE TWELFTH DAY OF
SEPTEMBER, A. D. 1865.

PREAMBLE.

WE, the People of the State of Alabama, by our representatives in convention assembled ; in order to establish justice, ensure domestic tranquillity, provide for the common defence, promote the general welfare, and secure to ourselves and to our posterity the rights of life, liberty, and property ; invoking the favor and guidance of Almighty God, do ordain and establish the following constitution and form of government for the State of Alabama—that is to say :

ARTICLE I.—DECLARATION OF RIGHTS.

That the general, great, and essential principles of liberty and free government may be recognized and established, we declare—

Section 1. That no man, and no set of men, are entitled to exclusive separate public emoluments or privileges, but in consideration of public services.

Section 2. That all political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit ; and that, therefore, they have at all times an inalienable and indefeasible right to alter, reform, or abolish their form of government, in such manner as they may deem expedient.

Section 3. That no person within this State shall, upon any pretence whatever, be deprived of the inestimable privilege of worshipping God in the manner most agreeable to his own conscience ; nor be hurt, molested, or restrained in his religious profession, sentiments, or persuasions, provided he does not disturb others in their religious worship.

Section 4. That no religion shall be established by law ; that no preference shall be given by law to any religious sect, society, denomination, or mode of worship ; that no one shall be compelled by law to attend any place of worship, nor to pay any tithes, taxes, or other rate, for building or repairing any place of worship, or for maintaining any minister or ministry ; that no religious test shall be required as a qualification to any office or public trust under this State ; and that the civil rights, privileges, and capacities of any citizen shall not be in any manner affected by his religious principles.

Section 5. That every citizen may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that liberty.

Section 6. That the people shall be secure in their persons, houses, papers, and possessions, from unreasonable seizures or searches ; and that no warrant shall issue to search any place, or to seize any person or thing, without describing them as nearly as may be, nor without probable cause, supported by oath or affirmation.

Section 7. That in all criminal prosecutions, the accused has a right to be heard by himself and counsel, to demand the nature and cause of the accusation, to have a copy thereof, to be confronted by the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and, in all prosecutions by indictment or information, a speedy public trial by an impartial jury of the county or district in which the offence was committed ; and that he shall not be compelled to give evidence against himself, nor be deprived of his life, liberty, or property, but by due course of law.

Section 8. That no person shall be accused, arrested, or detained, except in cases ascertained by law, and according to the forms which the same has prescribed ; and that no person shall be punished, but by virtue of a law established and promulgated prior to the offence, and legally applied.

Section 9. That no person shall, for any indictable offence, be proceeded against criminally by information ; except in cases arising in the land and naval forces, or in the militia when in actual service, or, by leave of the court, for oppression or misdemeanor in office. *Provided*, that in cases of petit larceny, assault, assault and battery, affray, unlawful assemblies,

vagrancy, and other misdemeanors, the General Assembly may by law dispense with a grand jury, and authorize such prosecutions before justices of the peace, or such other inferior courts as may be by law established; and the proceedings in such cases shall be regulated by law.

Section 10. That no person shall, for the same offence, be twice put in jeopardy of life or limb.

Section 11. That no person shall be debarred from prosecuting or defending, before any tribunal in this State, by himself or counsel, any civil cause to which he is a party.

Section 12. That the right of trial by jury shall remain inviolate.

Section 13. That in prosecutions for the publication of papers investigating the official conduct of officers or men in public capacity, or when the matter published is proper for public information, the truth thereof may be given in evidence; and that in all indictments for libels, the jury shall have the right to determine the law and the facts, under the direction of the court.

Section 14. That all courts shall be open; and that every person, for any injury done him, in his lands, goods, person or reputation, shall have a remedy by due course of law, and right and justice administered, without sale, denial, or delay.

Section 15. That suits may be brought against the State, in such manner, and in such courts, as may be by law provided.

Section 16. That excessive fines shall not be imposed, nor cruel punishments be inflicted.

Section 17. That all persons shall, before conviction, be bailable by sufficient sureties, except for capital offences, when the proof is evident, or the presumption great; and that excessive bail shall not, in any case, be required.

Section 18. That the privilege of the writ of *habeas corpus* shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it.

Section 19. That treason against the State shall consist only in levying war against it, or adhering to its enemies, giving them aid and comfort; and that no person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or his own confession in open court.

Section 20. That no person shall be attainted of treason by the General Assembly; and that no conviction shall work corruption of blood, or forfeiture of estate.

Section 21. That the estates of suicides shall descend, or vest, as in cases of natural death; and that, if any person shall be killed by casualty, there shall be no forfeiture by reason thereof.

Section 22. That the person of a debtor, when there is not a strong presumption of fraud, shall not be detained in prison, after delivering up his estate, for the benefit of his creditors, in such manner as shall be prescribed by law.

Section 23. That no power of suspending laws shall be exercised, except by the General Assembly, or by its authority.

Section 24. That no *ex-post-facto* law, nor any law impairing the obligation of contracts, shall be made.

Section 25. That private property shall not be taken or applied for public use, unless just compensation be made therefor; nor shall private property be taken for private use, or for the use of corporations other than municipal, without the consent of the owner. *Provided*, however, that laws may be made securing to persons or corporations the right of way over the lands of other persons or corporations, and, for works of internal improvement, the right to establish depots, stations, and turn-outs; but just compensation shall, in such cases, be first made to the owner.

Section 26. That the citizens have a right, in a peaceable manner, to assemble together for their common good, and to apply to those invested with the powers of government for redress of grievances, or other proper purposes, by petition, address, or remonstrance.

Section 27. That every citizen has a right to bear arms in defence of himself and the State.

Section 28. That no person, who conscientiously scruples to bear arms, shall be compelled to do so, but may pay an equivalent for personal service.

Section 29. That no standing army shall be kept up, without the consent of the General Assembly; and in that case, no appropriation for its support shall be for a longer term than one year; and that the military shall, in all cases, and at all times, be in strict subordination to the civil power.

Section 30. That no soldier shall, in time of peace, be quartered in any house, without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.

Section 31. That no title of nobility, or hereditary distinction, privilege, honor, or emolument, shall ever be granted or conferred in this State; and that no office shall be created, the appointment of which shall be for a longer term than during good behavior.

Section 32. That emigration from this State shall not be prohibited, and that no citizen shall be exiled.

Section 33. That temporary absence from the State shall not cause a forfeiture of residence once obtained.

Section 34. That hereafter there shall be in this State neith-

er slavery, nor involuntary servitude, otherwise than for the punishment of crime, whereof the party shall have been duly convicted.

Section 35. That the right of suffrage shall be protected by laws regulating elections, and prohibiting, under adequate penalties, all undue influence from power, bribery, tumult, or other improper conduct.

Section 36. This enumeration of certain rights shall not be construed to deny or disparage others retained by the people ; and to guard against any encroachment on the rights hereby retained, or any transgression of any of the high powers by this constitution delegated, we declare, that everything in this article is excepted out of the general powers of government, and shall forever remain inviolate, and that all laws contrary thereto, or to the following provisions, shall be void.

ARTICLE II.—STATE BOUNDARIES AND COUNTIES.

Section 1. The boundaries of this State are established and declared to be as follows—that is to say : Beginning at the point where the thirty-first degree of north latitude crosses the Perdido river ; thence east, to the western boundary line of the State of Georgia ; thence along said line, to the southern boundary line of the State of Tennessee ; thence west, along the southern boundary line of the State of Tennessee, crossing the Tennessee river, and on to the second intersection of said river by said line ; thence up said river to the mouth of Big Bear creek ; thence by a direct line, to the north-west corner of Washington county in this State, as originally formed ; thence southerly, along the line of the State of Mississippi, to the Gulf of Mexico ; thence eastwardly, including all islands within six leagues of the shore, to the Perdido river ; and thence up the said river, to the beginning.

Section 2. The General Assembly may, by a vote of two thirds of both branches thereof, arrange and designate boundaries for the several counties of this State, which boundaries shall not be altered except by a like vote ; but no new county shall be hereafter formed of less extent than six hundred square miles, nor shall any existing county be reduced to a less extent than six hundred square miles ; and no new county shall be formed not containing a sufficient number of inhabitants to entitle it to one representative under the existing ratio of representation, nor unless the counties from which it is taken shall be left with the required number entitling them to separate representation.

ARTICLE III.—DISTRIBUTION OF POWERS OF GOVERNMENT.

Section 1. The powers of the government of the State of Alabama shall be divided into three distinct departments, each of which shall be confided to a separate body of magistracy—to wit: those which are legislative to one, those which are executive to another, and those which are judicial to another.

Section 2. No person, or collection of persons, being of one of those departments, shall exercise any power properly belonging to either of the others, except in the instances hereinafter expressly directed or permitted.

ARTICLE IV.—LEGISLATIVE DEPARTMENT.

Section 1. The legislative power of this State shall be vested in two distinct branches; the one to be styled the "*Senate*," and the other the "*House of Representatives*," and both together the "*General Assembly of the State of Alabama*."

Section 2. All laws shall be passed by original bill; and their style shall be, "*Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened.*" Each law shall embrace but one subject, which shall be described in the title; and no law, nor any section of any law, shall be revised or amended by reference only to its title and number, but the law or section revised or amended shall itself be set forth at full length.

Section 3. Members of both houses of the General Assembly shall be chosen by the qualified electors; and the regulations for holding such elections shall, as to time, place, and manner, be the same for each house, and shall be prescribed by law. After the special election to be held on the first Monday in November, 1865, such elections shall, until otherwise directed by law, take place on the first Monday in August.

Section 4. No person who holds any lucrative office under the United States, or under this State, or under any other State or government (except post-masters, officers in the militia, to whose office no annual salary is attached, justices of the peace, members of the court of county commissioners, notaries public, and commissioners of deeds, excepted); no person who has been convicted of having given or offered any bribe to procure his election; no person who has been convicted of bribery, forgery, perjury, or other high crime or misdemeanor which may be by law declared to disqualify him; and no person who has been a collector or holder of public moneys, and

has failed to account for and pay over into the treasury all sums for which he may be by law accountable, shall be eligible to the General Assembly.

Section 5. Representatives shall be chosen for the term of two years ; and no person shall be a representative, who is not a white man, twenty-one years of age, a citizen of the United States, and who has not been an inhabitant of this State for the two years next preceding the election, and for the last year thereof a resident of the county for which he is chosen.

Section 6. The house of representatives shall consist of not more than one hundred members, who shall be apportioned by the General Assembly among the several counties of the State according to the number of white inhabitants in them respectively ; and, to this end, the General Assembly shall cause an enumeration of all the inhabitants of the State to be made in the year one thousand eight hundred and sixty-six, and again in the year one thousand eight hundred and seventy-five, and every ten years thereafter, and shall make an apportionment of the representatives among the several counties at the first regular session after each enumeration ; which apportionment, when made, shall not be subject to alteration, until after the next census shall have been taken. *Provided*, that each county shall be entitled to at least one representative. *Provided further*, that where two or more adjoining counties shall each have a residuum or fraction over and above the ratio then fixed by law, which fractions, when added together, equal or exceed that ratio, in that case, the county having the largest fraction shall be entitled to one additional representative.

Section 7. The whole number of senators shall be not less than one fourth, nor more than one third, of the whole number of representatives ; and it shall be the duty of the General Assembly, at its first session after the making of each enumeration, as provided by the last preceding section, to fix by law the number of senators, and to divide the State into as many senatorial districts as there are senators ; which districts shall be as nearly equal to each other as may be in the number of white inhabitants, and each shall be entitled to one senator, and no more. *Provided*, that, in the formation of said districts, no county shall be divided, and no two or more counties, which are separated entirely by a county belonging to another district, shall be joined into one district. *And provided further*, that the senatorial districts, when formed, shall not be changed until after the next census shall have been taken.

Section 8. No person shall be a senator, who is not a white man, at least twenty-seven years of age, a citizen of the United States, and who has not been an inhabitant of this State

for two years next preceding the election, and for the last year thereof a resident in the district for which he is chosen.

Section 9. Senators shall be chosen for the term of four years ; yet, at the first general election after each new apportionment, elections shall be held anew in all the senatorial districts ; and the senators elected, when convened at the next ensuing session of the General Assembly, shall be divided by lot into two classes, as nearly equal to each other as may be ; the seats of the senators of the first class shall be vacated at the expiration of two years, and those of the second class at the expiration of four years from the day of election, so that (except as above provided) one half of the senators may be chosen biennially.

Section 10. The General Assembly shall meet annually, on such day as may be by law prescribed ; and shall not remain in session longer than thirty days, unless by a vote of two thirds of each house.

Section 11. At the first regular or called session after each general election for representatives, the senate shall choose a president and its other officers, and the house of representatives shall choose a speaker and its other officers ; and the officers so chosen shall be entitled to hold their respective offices until the next general election for representatives. Each house shall judge of the qualifications, elections, and returns of its own members ; but a contested election shall be determined in such manner as may be by law provided.

Section 12. A majority of each house shall constitute a quorum to do business ; but a smaller number, may adjourn from day to day, and may compel the attendance of absent members, in such manner, and under such penalties, as each house may provide.

Section 13. Each house may determine the rules of its own proceedings, punish members for disorderly behavior, and, with the consent of two thirds, expel a member, but not a second time for the same offence ; and shall have all other powers necessary for a branch of the legislature of a free and independent State.

Section 14. Each house may, during the session, punish by imprisonment any person, not a member, for disrespectful or disorderly behavior in its presence, or for obstructing any of its proceedings. *Provided,* that such imprisonment shall not, at any one time, exceed forty-eight hours.

Section 15. Each house shall keep a journal of its own proceedings, and cause the same to be published immediately after its adjournment, excepting such parts as, in its judgment, may require secrecy ; and the yeas and nays of the members

of either house, on any question, shall, at the desire of any two members present, be entered on the journals. Any member of either house shall have liberty to dissent from, and protest against, any act or resolution which he may think injurious to the public or to an individual, and have the reasons of his dissent entered on the journals.

Section 16. The doors of each house shall be open, except on such occasions as, in the opinion of the house, may require secrecy.

Section 17. Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which they may be sitting.

Section 18. Bills may originate in either house, and be amended, altered, or rejected by the other; but no bill shall have the force of a law, until it be read in each house on three several days, and free discussion thereon be allowed; unless, in case of urgency, four fifths of the house in which the bill may be depending shall deem it expedient to dispense with this rule; and every bill, having passed both houses, shall be signed by the speaker and president of the respective houses. *Provided,* that all bills for raising revenue shall originate in the house of representatives, but may be amended or rejected by the senate as other bills.

Section 19. In all elections by the General Assembly, the members shall vote *viva voce*, and the votes shall be entered on the journals.

Section 20. No senator or representative shall, during the term for which he was elected, be elected or appointed to any civil office of profit under this State, except such offices as may be filled by elections by the people.

Section 21. Senators and representatives shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest, during the session of the General Assembly, and in going to and returning from the same, allowing one day for every twenty miles such member may reside from the place at which the General Assembly is convened; nor shall any member be liable to answer for anything spoken in debate in either house, in any court or place elsewhere.

Section 22. Each member of the General Assembly shall receive from the public treasury such compensation for his services as may be fixed by law; but no increase of compensation shall take effect during the session at which such increase shall have been made.

Section 23. When vacancies happen in either house, the Governor, or the person exercising the powers of Governor for the time being, shall issue writs of election to fill such vacancies.

Section 24. The house of representatives shall have the sole power of preferring impeachments ; all impeachments shall be tried by the senate ; the senators, when sitting for that purpose, shall be on oath or affirmation ; and no person shall be convicted under an impeachment, without the concurrence of two thirds of the senators present.

Section 25. It shall be the duty of the General Assembly to pass such laws as may be necessary and proper to decide differences by arbitrators, to be appointed by the parties, who may choose that summary mode of adjustment.

Section 26. It shall be the duty of the General Assembly, from time to time, as circumstances may require, to frame and adopt a penal code, founded on principles of reformation.

Section 27. It shall also be the duty of the General Assembly, within five years after the adoption of this constitution, and within every subsequent period of ten years, to make provision by law for the revision, digesting, and promulgation of all the public statutes of this State, both civil and criminal.

Section 28. The General Assembly shall have power to pass such penal laws as they may deem expedient to suppress the evil practice of duelling, extending to disqualification to hold office.

Section 29. It shall be the duty of the General Assembly to regulate by law the cases in which deductions shall be made from the salaries of public officers, for neglect of duty in their official capacities, and the amount of such deductions.

Section 30. Divorces from the bonds of matrimony shall not be granted, but in the cases by law provided for, and by suit in chancery ; but decrees in chancery for divorce shall be final, unless appealed from, in the manner prescribed by law, within three months from the date of the enrollment thereof.

Section 31. It shall be the duty of the General Assembly, at its next session, and from time to time thereafter as it may deem proper, to enact laws prohibiting the intermarriage of white persons with negroes, or with persons of mixed blood, declaring such marriages null and void *ab initio*, and making the parties to any such marriage subject to criminal prosecutions, with such penalties as may be by law prescribed.

Section 32. The General Assembly shall make provision by law for obtaining correct knowledge of the several objects proper for improvement in relation to the roads and navigable waters in this State, and for making a systematic and economical application of the means appropriated to those objects.

Section 33. The General Assembly shall, from time to time, enact necessary and proper laws for the encouragement of schools and the means of education ; shall take proper measures to preserve from waste or damage such lands as have been

or may be granted by the United States for the use of schools in each township in this State, and apply the funds which may be raised from such lands in strict conformity with the object of such grant ; shall take like measures for the improvement of such lands as have been or may hereafter be granted by the United States to this State for the support of a seminary of learning ; and the money which may be raised from such lands, by rent, lease, or sale, or from any other quarter, for the purpose aforesaid, shall be and forever remain a fund for the exclusive support of a State university for the promotion of the arts, literature, and the sciences ; and it shall be the duty of the General Assembly to provide by law effectual means for the improvement and permanent security of the funds of such institution.

Section 34. Not more than one bank shall be established, nor more than one bank charter be renewed, at any one session of the General Assembly ; nor shall any bank be established, nor any bank charter be renewed, without the concurrence of two thirds of each house of the General Assembly, and in conformity with the following rules—that is to say :

Rule 1. The stockholders shall be respectively liable for the debts of the bank in proportion to the amount of their stock.

Rule 2. The remedy for the collection of debts shall be reciprocal for and against the bank.

Rule 3. No bank shall commence operations, until one half of the capital stock subscribed for be actually paid in gold and silver ; which amount shall, in no case, be less than one hundred thousand dollars.

Rule 4. If any bank shall neglect or refuse to pay, on demand, any bill, note, or obligation issued by the corporation, according to the promise therein expressed, the holder of such bill, note, or obligation, shall be entitled to receive and recover interest thereon until paid, or until specie payments are resumed by the bank, at the rate of twelve *per centum per annum* from the date of such demand ; unless the General Assembly shall, by a vote of two thirds of each house thereof, sanction such suspension of specie payments.

Rule 5. Whenever any bank suspends specie payments, its charter is thereby forfeited ; unless such suspension shall be sanctioned and legalized, at the next session of the General Assembly, by a vote of two thirds of each house thereof.

Section 35. The General Assembly shall provide by law for organizing and disciplining the militia of this State, in such manner as they may deem expedient, not incompatible with

the constitution and laws of the United States ; shall fix the rank of all staff officers, and prescribe the manner in which all officers shall be appointed or elected. *Provided*, that no other officers than adjutant-generals and quartermaster-generals shall be appointed by the General Assembly. *And provided further*, that major-generals shall appoint their aids and all division and staff officers, brigadier-generals shall appoint their aids and all other brigade staff officers, and colonels shall appoint their regimental staff officers.

Section 36. It shall be the duty of the General Assembly, at its next session, and from time to time thereafter, to enact such laws as will protect the freedmen of this State in the full enjoyment of all their rights of person and property, and guard them and the State against any evils that may arise from their sudden emancipation.

Section 37. No money shall be drawn from the treasury, but in pursuance of an appropriation made by law ; and a regular statement and account of the receipts and expenditures of all public moneys shall be published annually, in such manner as may be by law directed.

Section 38. No special law shall be enacted for the benefit of individuals or corporations, in cases which are provided for by a general law, or where the relief sought can be given by any court of this State.

Section 39. All lands liable to taxation in this State, shall be taxed in proportion to their value.

Section 40. No power to levy taxes shall be delegated to individuals or private corporations.

Section 41. The General Assembly shall not borrow or raise money on the credit of the State (except for purposes of military defense against actual or threatened invasion, rebellion, or insurrection), without the concurrence of two thirds of the members of each house ; nor shall the debts or liabilities of any corporation, person, or persons, or other estate, be guaranteed, nor any money, credit, or other thing, be loaned or given away, except by a like concurrence of each house ; and the votes shall in each case, be taken by yeas and nays, and be entered on the journals.

Section 42. In the event of the annexation of any foreign territory to this State, the General Assembly shall enact laws, extending to the inhabitants of the acquired territory all the rights and privileges which may be required by the terms of the acquisition ; anything in this constitution to the contrary notwithstanding.

ARTICLE V.—EXECUTIVE DEPARTMENT.

Section 1. The supreme executive power of this State shall be vested in a chief magistrate, who shall be styled the Governor of the State of Alabama.

Section 2. The Governor shall be elected by the qualified electors, at the time and places at which they shall respectively vote for representatives.

Section 3. The returns of every election for Governor shall be sealed up, and transmitted to the seat of government, directed to the speaker of the house of representatives, who shall, during the first week of the session, open and publish them in the presence of both houses of the General Assembly. The person having the highest number of votes, shall be Governor; but, if two or more shall be equal and highest in votes, one of them shall be chosen Governor by the joint vote of both houses. Contested elections for Governor shall be determined by both houses of the General Assembly, in such manner as shall be prescribed by law.

Section 4. The Governor shall hold his office for the term of two years from the time of his installation, and until his successor shall be qualified, but shall not be eligible for more than four years in any term of six years; he shall be at least thirty years of age, a native citizen of the United States, and shall have resided in this State at least four years next preceding the day of his election.

Section 5. He shall, at stated times, receive a compensation for his services, which shall not be either increased or diminished during the term for which he shall have been elected.

Section 6. He shall always reside, during the session of the General Assembly, at the place where their session may be held, and at other times wherever, in their opinion, the public good may require.

Section 7. He shall be commander in chief of the army and navy of this State, and of the militia thereof, except when they shall be called into the service of the United States; and when acting in the service of the United States, the General Assembly shall fix his rank.

Section 8. He shall have power to call forth the militia to execute the laws of the State, to suppress insurrections, and to repel invasions; and shall appoint his aids-de-camp.

Section 9. He may require from the secretary of State, the comptroller of public accounts, and the State treasurer, information in writing on any subject relating to the duties of their respective offices.

Section 10. He may, by proclamation, on extraordinary occasions, convene the General Assembly at the seat of govern-

ment, or at a different place, if, since their last adjournment, that shall have become dangerous, from an enemy, or from contagious disorders; and in case of disagreement between the two houses, with respect to the time of adjournment, he may adjourn them to such time as he may think proper, not beyond the day of the next annual meeting of the General Assembly.

Section 11. He shall, from time to time, give to the General Assembly information of the state of the government, and recommend to their consideration such measures as he may deem expedient.

Section 12. He shall take care that the laws are faithfully executed.

Section 13. In all criminal and penal cases, except those of treason and impeachment, he shall have power to grant reprieves and pardons, and to remit fines and forfeitures, under such rules and regulations as may be prescribed by law; and in cases of treason, he shall have power, by and with the advice and consent of the senate, to grant reprieves and pardons, and, in the recess of the senate, he may respite the sentence until the end of the next session of the General Assembly.

Section 14. There shall be a great seal of the State, which shall be kept and used by the Governor officially; and the seal now in use shall continue to be the great seal of the State, until another shall have been adopted by the General Assembly.

Section 15. Vacancies that may happen in offices, the appointment of which is vested in the General Assembly, shall, during the recess of the General Assembly, be filled by the Governor, by granting commissions, which shall expire at the end of the next session.

Section 16. Every bill, which shall have passed both houses of the General Assembly, shall be presented to the Governor: if he approve, he shall sign it, but if not, he shall return it, with his objections, to the house in which it originated, who shall enter the objections at large upon the journals, and proceed to reconsider it; if, after such reconsideration, a majority of the whole number elected to that house shall agree to pass the bill, it shall be sent, with the objections, to the other house, by whom it shall likewise be reconsidered, and, if approved by a majority of the whole number elected to that house, it shall become a law; but, in such cases, the votes of both houses shall be determined by yeas and nays, and the names of the members voting for or against the bill shall be entered on the journals of each house respectively. If any bill shall not be returned by the Governor, within five days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it; unless the

General Assembly, by their adjournment, prevent its return, in which case it shall not be a law.

Section 17. Every order, resolution, or vote, to which the concurrence of both houses may be necessary, (except on questions of adjournment, and for bringing on elections by the two houses,) shall be presented to the Governor, and, before it shall take effect, be approved by him, or, being disapproved, shall be repassed by both houses, according to the rules and limitations prescribed in the case of a bill.

Section 18. No person shall, at one and the same time, hold the office of Governor, and any other office or commission, civil or military, either under this State, the United States, or any other State or government.

Section 19. In case of the impeachment of the Governor, his removal from office, death, refusal to qualify, resignation, or absence from the State, the president of the senate shall exercise all the power and authority appertaining to the office of Governor, until the time appointed by the constitution for the election of Governor shall arrive, (unless the General Assembly shall provide by law for the election of a Governor to fill such vacancy,) or until the Governor who is absent or impeached shall return or be acquitted; and if, during such vacancy in the office of Governor, the president of the senate shall be impeached, removed from office, refuse to qualify, die, resign, or be absent from the State, the speaker of the house of representatives shall, in like manner, administer the government.

Section 20. The president of the senate, and the speaker of the house of representatives, shall, during the time they respectively administer the government, receive the same compensation which the Governor would have received, if he had been employed in the duties of his office.

ARTICLE VI.—JUDICIAL DEPARTMENT.

Section 1. The judicial power of this State shall be vested in one supreme court, circuit courts to be held in each county of the State, and such inferior courts of law and equity; to consist of not more than five members, as the General Assembly may, from time to time, direct, ordain, and establish.

Section 2. Except in cases otherwise directed in this constitution, the supreme court shall have appellate jurisdiction only, which shall be co-extensive with the State, under such restrictions and regulations, not repugnant to this constitution, as may from time to time be prescribed by law. *Provided*, that said court shall have power to issue writs of injunction, *mandamus*, *quo warranto*, *habeas corpus*, and such other remedial and original writs as may be necessary to give it a general superintendence and control of inferior jurisdictions.

Section 3. The supreme court shall be held at the seat of government; but, if that shall have become dangerous, from an enemy or from disease, may adjourn to a different place.

Section 4. The State shall be divided into convenient circuits, each of which shall contain not less than three, nor more than six counties; and for each circuit there shall be appointed a judge, who shall, after his appointment, reside in the circuit for which he may be appointed.

Section 5. The circuit court shall have original jurisdiction in all matters, civil and criminal, within this State, not otherwise excepted in this constitution; but in civil cases only where the matter or sum in controversy exceeds fifty dollars.

Section 6. A circuit court shall be held in each county in the State, at least twice in every year; and the judges of the several circuits may hold courts for each other when they deem it expedient, and shall do so when directed by law.

Section 7. The General Assembly shall have power to establish a court or courts of chancery, with original and appellate equity jurisdiction. *Provided,* that the judges of the several circuit courts shall have power to issue writs of injunction, returnable into the courts of chancery.

Section 8. The General Assembly shall have power to establish, in each county within this State, a court of probate, for the granting of letters testamentary, and of administration, and for orphans' business.

Section 9. A competent number of justices of the peace shall be appointed in and for each county, in such mode, and for such term of office, as the General Assembly may by law direct; whose jurisdiction, in civil cases, shall be limited to causes in which the amount in controversy shall not exceed one hundred dollars; and in all cases tried by a justice of the peace, the right of appeal shall be secured, under such rules and regulations as may be prescribed by law.

Section 10. The judges of the supreme court, circuit courts, and courts of chancery, shall, at stated times, receive for their services a compensation, which shall be fixed by law, and which shall not be diminished during their continuance in office; but they shall receive no fees or perquisites of office, nor hold any office of profit or trust, under this State, the United States, or any other power.

Section 11. Judges of the supreme court, and chancellors, shall be elected by a joint vote of both houses of the General Assembly; judges of the circuit and probate courts, and of such other inferior courts as may be by law established, shall be elected by the qualified electors of the respective counties, cities, or districts, for which such courts may be established. Elections of judges by the people shall be held on the first

Monday in May, or such other day as may be by law prescribed, not within a less period than two months of the day fixed by law for the election of Governor, members of the General Assembly, or members of Congress. Vacancies in the office of circuit judge, probate judge, or judge of any other inferior court established by law, shall be filled by the Governor ; and the person appointed by him shall hold office until the next election day by law appointed for the election of judges, and until his successor shall have been elected and qualified.

Section 12. The judges of the several courts of this State shall hold their offices for the term of six years ; and the right of any judge to hold his office for the full term hereby prescribed, shall not be affected by any change hereafter made by law in any circuit or district, or in the mode or time of election ; but for any willful neglect of duty, or any other reasonable cause, which shall not be a sufficient ground of impeachment, the Governor shall remove any judge, on the address of two thirds of each house of the General Assembly. *Provided*, that the cause, or causes, for which said removal may be required, shall be stated at length in such address, and entered on the journals of each house. *And provided further*, that the judge intended to be removed shall be notified of such cause or causes, and shall be admitted to a hearing in his own defence, before any vote for such address ; and in all such cases, the vote shall be taken by yeas and nays, and be entered on the journals of each house respectively.

Section 13. No person who shall have arrived at the age of seventy years, shall be appointed or elected to, or shall continue in, the office of judge in this State.

Section 14. The judges of the supreme court shall, by virtue of their offices, be conservators of the peace throughout the State ; as also the judges of the circuit courts within their respective circuits, and the judges of the inferior courts within their respective counties.

Section 15. Clerks of the circuit courts, and of such inferior courts as may be by law established, shall be elected by the qualified electors in each county, for the term of four years ; and may be removed from office, for such causes, and in such manner, as may be by law prescribed. Vacancies in the office of clerk shall be filled by the judge of the court, and the person so appointed shall hold office until the next general election, and until his successor is elected and qualified. *Provided*, that the General Assembly shall have power to annex the duties of clerk to the office of judge of any inferior court by law established.

Section 16. The style of all process shall be, *The State of Alabama* ; and all prosecutions shall be carried on in the name,

and by the authority of the State of Alabama, and shall conclude, *against the peace and dignity of the same.*

ARTICLE VII.—STATE AND COUNTY OFFICERS.

Section 1. A secretary of State, a comptroller of public accounts, and a State treasurer, shall be elected by a joint vote of both houses of the General Assembly, each of whom shall continue in office during the term of two years, shall perform all the duties that may be required of him by law, and receive such compensation as may be by law provided.

Section 2. An attorney-general, and as many solicitors as there are judicial circuits in the State, shall be elected by a joint vote of both houses of the General Assembly, each of whom shall hold his office for the term of four years; shall perform all the duties that may be required of him by law, and shall receive such compensation for his services as may be by law provided, which shall not be diminished during his continuance in office.

Section 3. A sheriff shall be elected in each county, by the qualified electors thereof, who shall hold his office for the term of three years, unless sooner removed, and shall not be eligible to serve, either as principal or deputy, for any two successive terms. Vacancies in the office of sheriff shall be filled by the Governor, as in other cases; and the person so appointed shall continue in office until the next general election in the county for sheriff as by law provided.

Section 4. No member of Congress, nor any person who holds any office of profit or trust under the United States, (except postmasters,) or any other State or government; nor any person who shall have been convicted of having given or offered any bribe to procure his election or appointment; nor any person who shall have been convicted of bribery, forgery, perjury, or other high crime or misdemeanor which may be by law declared to disqualify him,—shall be eligible to any office of profit or trust under this State.

Section 5. All commissions shall be in the name, and by the authority of the State of Alabama; shall be sealed with the great seal of the State, signed by the Governor, and attested by the secretary of State.

Section 6. All civil officers of this State, legislative, executive, and judicial, before they enter upon the execution of the duties of their respective offices, shall take the following oath: "I solemnly swear," (or affirm, as the case may be,) "that I will support the constitution of the United States, and the constitution of the State of Alabama, so long as I continue a citizen thereof; and that I will faithfully discharge, to the best of my abilities, the duties of the office of _____ So help me God."

Section 7. All civil officers of the State, whether elected by the people, or by the General Assembly, or appointed by the Governor, shall be liable to impeachment for any misdemeanor in office ; but judgment in such cases shall not extend further than removal from office, and disqualification to hold any office of honor, trust, or profit, under the State ; but the party convicted shall, nevertheless, be liable and subject to indictment, trial, and punishment according to law.

ARTICLE VIII.—ELECTIONS BY THE PEOPLE.

Section 1. Every white male person, of the age of twenty-one years and upwards, who shall be a citizen of the United States, and shall have resided in this State one year next preceding the election, and the last three months thereof in the county in which he offers to vote, shall be deemed a qualified elector. *Provided*, that no soldier, seaman, or marine, in the regular army or navy of the United States, and no person who shall have been convicted of bribery, forgery, perjury, or other high crime or misdemeanor which may be by law declared to disqualify him, shall be entitled to vote at any election in this State.

Section 2. In all elections by the people, the electors shall vote by ballot, until otherwise directed by law.

Section 3. Except in cases of treason, felony, or breach of the peace, electors shall be privileged from arrest during their attendance at elections, and in going to and returning from the same.

Section 4. Returns of elections for all civil officers elected by the people, who are to be commissioned by the Governor, and also for members of the General Assembly, shall be made to the secretary of State.

ARTICLE IX.—AMENDMENT AND REVISION OF THE CONSTITUTION.

Section 1. The General Assembly may, whenever two thirds of each house shall deem it necessary, propose amendments to this constitution ; which proposed amendments shall be duly published in print, (in such manner as the General Assembly may direct,) at least three months before the next general election for representatives, for the consideration of the people ; and it shall be the duty of the several returning officers, at the next ensuing general election for representatives, to open a poll for the vote of the qualified electors on the proposed amendments, and to make a return of said vote to the secretary of State ; and if it shall thereupon appear that a

majority of all the qualified electors of the State, who voted for representatives, voted in favor of the proposed amendments, and two thirds of each house of the next General Assembly, before another election, shall ratify said amendments, each house voting by yeas and nays, said amendments shall be valid, to all intents and purposes, as parts of this constitution. *Provided*, that said proposed amendments shall, at each of said sessions of the General Assembly, have been read three times, on three several days, in each house.

Section 2. After the expiration of twelve months from the adoption of this constitution, no convention shall be held, for the purpose of altering or amending the constitution of this State, unless the question of convention or no convention shall be first submitted to a vote of the qualified electors of the State, and approved by a majority of the electors voting at said election.

Adopted by the convention, by the unanimous vote of all the delegates present, at the State capitol, in the city of Montgomery, on this, the thirtieth day of September, in the year of our Lord one thousand eight hundred and sixty-five, and of the Independence of the United States the ninetieth year.

BENJ. FITZPATRICK,

President of Convention.

Attest :—WM. H. OGBOURNE,
Secretary of Convention.

INDEX TO CONSTITUTION.

	ART.	SEC.
Absence, temporary, no forfeiture of residence.....	1	33
Accident, death by, no cause of forfeiture.....	1	21
Account of public receipts, &c., to be published annually.....	4	37
Accused, rights of, in criminal prosecutions....	1	7
Adjutant-general, may be appointed by General Assembly.....	4	35
Affray, may be made triable before justice of peace.....	1	9
Aid-de-camp, of governor, appointed by him.....	5	8
general, appointed by him.....	4	35
Amended law, must be set out <i>in extenso</i>	4	2
Amendment of constitution, how made	9	1
Annexed territory, rights to be secured to citizens of.....	4	42
Appeal, from decree of divorce, to be taken in three months.....	4	30
from judgment of justice of peace, to be secured.....	6	9
Apportionment of representatives, when and how made.....	4	6
senators, when and how made.....	4	7
Appropriation, money to be drawn from treasury only by.....	4	37
for standing army, not longer than one year.....	1	29
Arbitration, laws to be enacted providing for.....	4	25
Arms, right of citizens to carry in self defence.....	1	27
no one compelled to bear, who scruples.....	1	28
Army, standing, prohibited in time of peace.....	1	29
appropriations for, not more than one year.....	1	29
Arrest, electors privileged from	8	3
members of General Assembly privileged from.....	4	21
must be by forms of law.....	1	8
Assault, may be made triable before justice of the peace.....	1	9
Assault and battery, may be made triable before justice, &c.....	1	9
Assembly, right of by citizens.....	1	26
unlawful, may be made triable before justice &c.....	1	9
Attainder, for treason, prohibited.....	1	20
Attorney-general, elected by the General Assembly.....	7	2
holds office for four years.....	7	2
compensation not to be diminished during term	7	2
Bail, matter of right before conviction, except in capital cases.....	1	17
not to be excessive	1	17
Banks, only one charter granted or renewed at one session.....	4	34
created only with concurrence of two thirds of each house.....	4	34
must conform with specified rules—to wit:.....	4	34
1st, stockholders liable proportionably for debts.....	4	34
2d, remedy for collection of debts to be mutual.....	4	34

3d, one half capital stock to be paid in before commencing business, not less than one hundred thousand dollars.....	4	34
4th, damages on protested note twelve per cent.....	4	34
5th, charter forfeited by suspension of specie payments, unless sanctioned by General Assembly.....	4	34
Bills, laws to be passed by original	4	2
how originated and passed.....	4	18
must be presented to Governor for approval or veto.....	5	16
may be passed over Governor's veto by majority of each house.....	5	16
revenue, must originate in house of representatives.....	4	18
Boundaries, of counties, may be established by General Assembly.....	2	2
of State, declared.....	2	1
Bribery, conviction of, disqualifies as elector.....	8	1
renders ineligible to civil office.....	7	4
General Assembly.....	4	4
Brigadier-general, may appoint aids-de-camp.....	4	35
Casualty, death by, no forfeiture by reason of.....	1	21
Census, to be taken every ten years.....	4	6
Chancellor, elected by General Assembly.....	6	11
to hold office six years.....	6	12
may be removed by Governor, on address by General Assembly,.....	6	12
compensation of, not to be diminished during term.....	6	10
not to receive fees or perquisites, nor hold other office.....	6	10
Church establishments, prohibited.....	1	4
Circuits, to contain not less than three, nor more than six counties.....	6	4
Clerks, of circuit and inferior courts, to be elected by the people.....	6	15
hold office four years.....	6	15
removable for misbehavior.....	6	15
vacancy filled by judge.....	6	15
of inferior courts, duties of, may be annexed to judgeship.....	6	15
Code, penal, reformatory, to be adopted by General Assembly.....	4	26
of statutes, to be published every ten years.....	4	27
Commissions, to be in the name of the State, and under great seal.....	7	5
signed by Governor, countersigned by secretary of State,.....	7	5
temporary, to be issued by Governor, when.....	5	15
expire, when.....	5	15
Compensation, just, to be made for property taken by law.....	1	25
of Governor, not to be altered during term.....	5	5
president of senate, or speaker of house of representa- tives, acting as Governor, same as Governor's.....	5	20
judges, not to be diminished during term.....	6	10
members of General Assembly, not to be increased during session.....	4	22
attorney-general, not to be diminished during term.....	7	3
solicitors, not to be diminished during term.....	7	2
Comptroller of public accounts, to be elected by General Assembly.....	7	1
hold office two years.....	7	1
Congress, member of, ineligible to other office.....	7	4
Conscience, rights of, declared sacred.....	1	3
Conscientious scruples against bearing arms, to be respected.....	1	28
Constitution, how amended.....	9	1
Contempt, each house may imprison for, forty-eight hours.....	4	14

CONSTITUTION.

31.

	ART.	SEC.
Contested election, for General Assembly, to be decided by law	4	11
for Governor, to be decided by General Assembly.....	5	3
Contracts, obligation of, not to be impaired by law	1	24
Convention to amend constitution, how called.....	9	2
Conviction, shall not work corruption of blood, nor forfeiture.....	1	20
of treason, must be on confession in court, or testimony of two witnesses	1	19
of bribery, perjury, &c., disqualifies as elector.....	8	1
renders ineligible to civil office.....	7	4
General Assembly	4	4
Corruption of blood, not caused by conviction	1	20
Counsel, right of accused to be heard by	1	7
party to civil suit to be heard by	1	11
Counties, boundaries and size of	2	2
establishment of new	2	2
entitled to at least one representative each.....	4	6
between three and six, in each circuit	6	4
not be divided in forming senatorial districts.....	4	7
Court, supreme, vested with judicial power.....	6	1
jurisdiction of.....	6	2
held at capital, except when dangerous.....	6	3
judges of, elected by General Assembly.....	6	11
hold office six years.....	6	12
compensation of, not to be diminished during term.....	6	10
to receive no fees or perquisites.....	6	10
conservators of peace.....	6	14
circuit, to consist of between three and six counties.....	6	4
to be held twice in each county every year.....	6	6
jurisdiction of.....	6	5
judges of, elected by people	6	11
hold office six years	6	12
are conservators of peace	6	14
must reside in circuit.....	6	4
may and must exchange, when.....	6	6
may issue injunctions	6	7
compensation not to be diminished during term	6	10
receive no fees or perquisites.....	6	10
chancery, may be established by law.....	6	7
judges of, elected by General Assembly.....	6	11
hold office six years	6	12
compensation not diminished during term.....	6	10
to receive no fees or perquisites	6	10
probate, may be established in each county.....	6	8
judges of, elected by people.....	6	11
hold office six years.....	6	12
are conservators of peace.....	6	14
inferior, of not less than five members, may be established by law..	6	1
judges of, elected by people.....	6	11
hold office six years	6	12
are conservators of peace	6	14
may be required to act as clerk.....	6	15

	ART.	SEC.
Courts, all to be open.....	1	14
Criminal prosecutions, rights of accused.....	1	7
Cruel punishment, forbidden.....	1	16
Debt, imprisonment for, prohibited.....	1	22
Deductions from officers' salaries, for neglect, to be made.....	4	29
Defaulters, public, ineligible to General Assembly.....	4	4
any civil office.....	7	4
Deodands, abolished.....	1	21
Digest of state laws, to be made every ten years.....	4	27
Distribution of powers of government.....	3	1
Divorces, to be granted only by suit in chancery.....	4	30
decree to be final unless appeal taken in three months.....	4	30
Duelling, laws to be enacted against.....	4	28
Education, to be encouraged by law.....	4	33
Election, of Governor, to be at same time with representatives.....	5	2
to be by General Assembly, in case of tie.....	5	3
contested, to be decided by General Assembly.....	6	3
of senators and representatives, governed by same rules.....	4	3
held on 1st Monday in August.....	4	3
contested, decided by law.....	4	11
of circuit and probate judges, to be by people.....	6	11
held on 1st Monday in May.....	6	11
of clerks of circuit and inferior courts, to be by people.....	6	16
by General Assembly, to be <i>viva voce</i>	4	19
by people, to be by ballot.....	8	2
returns, for Governor, made to speaker of house of represent- atives.....	5	3
for members of General Assembly, and other civil offi- cers, made to secretary of State.....	8	4
writ of, to fill vacancy in General Assembly.....	4	23
to be protected by proper laws.....	1	35
Electors, qualifications of, as to age, residence, &c.....	8	1
privileged from arrest, except for treason, felony, &c.....	8	3
Emigration, not to be prohibited by law.....	1	32
Eminent domain, right of, restricted.....	1	25
Emoluments, no one entitled to separate, exclusive, but for public services, 1 hereditary, not to be created.....	1	31
Evidence, no one compelled to give against himself.....	1	7
Excessive bail, prohibited.....	1	17
finer, prohibited.....	1	16
Executive department.....	5	
power, vested in Governor.....	5	1
Exile, of citizen, prohibited.....	1	32
<i>Ex-post-facto</i> law, prohibited.....	1	24
Felony, elector not privileged from arrest for.....	8	3
member of General Assembly not privileged for.....	4	21
Fines, may be remitted by Governor.....	5	13
excessive, prohibited.....	1	16
Forfeiture of estate, by suicide, prohibited.....	1	21
on conviction, prohibited.....	1	20
of residence, by temporary absence, prohibited.....	1	33

	ART.	SEC.
Forgery, conviction of, disqualifies as elector.....	8	1
renders ineligible to civil office.....	7	4
General Assembly.....	4	4
Freedmen, laws to be enacted for the protection of.....	4	36
Freedom of speech, and of the press, declared	1	5
General Assembly, to consist of senate and house of representatives.....	4	1
meet annually, and sit how long.....	4	10
elections by, to be <i>viva voce</i>	4	19
each house of, may adopt rules, &c.....	4	13
judge of qualifications, &c., of		
members.....	4	11
punish members.....	4	13
other persons.....	4	11
must keep journal.....	4	15
doors to be open.....	4	17
neither house can adjourn alone.....	4	17
members of, chosen how and when.....	4	3
who ineligible as.....	4	4
compensation of.....	4	22
privileged from arrest, when.....	4	21
not answerable elsewhere for words spo-		
ken in debate.....	4	21
not eligible to other office	4	20
vacancies in, to be filled how.....	4	23
may elect adjutant and quarter-master.....	4	35
choose Governor, in case of tie.....	5	3
fix Governor's rank, when.....	5	7
be convened by Governor, when.....	5	10
adjourned by Governor, when.....	5	10
must adopt penal code, when.....	4	26
digest statute laws every ten years ..	4	27
enact laws against duelling.....	4	28
favoring arbitration.....	4	25
for protection of freedmen.....	4	36
freedom of elections.....	1	35
encouragement of schools, &c.....	4	33
foreign citizens when annexed.....	4	42
improvement of roads and rivers....	4	32
organizing and disciplining militia, 4		35
prohibiting marriages with negroes, 4		31
making deduction from officers' sal-		
aries, for neglect of duty.....	4	29
must not pass bill of attainder.....	1	20
<i>ex-post-facto</i> law, or law impairing obliga-		
tion of contracts.....	1	24
special law, when.....	4	38
borrow money, or loan credit of State, without		
assent of two thirds.....	4	41
delegate taxing power.....	4	40
General warrants, prohibited.....	1	6
Government, founded on authority of people.....	1	2
may be altered by people at will.....	1	2

	ART.	SEC.
powers of, distributed into three departments.....	3	1
not to be united in same person	3	2
Governor , vested with chief executive power.....	5	1
elected by people, and when.....	5	2
General Assembly, in case of tie.....	5	3
holds office two years.....	5	4
not eligible more than four in six years.....	5	4
qualifications, as to age, residence, &c.....	5	4
compensation of, not to be altered during term.....	5	5
must reside, where.....	5	6
is commander in chief of militia, when.....	5	7
may call out militia, when	5	8
appoint his aids-de-camp.....	5	8
convene General Assembly, when and where.....	5	10
adjourn General Assembly, when.....	5	10
grant reprieves and pardons.....	5	13
remit fines and forfeitures.....	5	13
require information from State officers.....	5	9
shall send messages to General Assembly.....	5	11
see that laws are executed	5	12
keep and use great seal....	5	14
approve or veto bills	5	16
joint resolutions.....	5	17
fill vacancies in offices vested in General Assembly.....	5	16
in office of judge.....	6	11
sheriff.....	7	3
not hold other office.....	5	18
vacancy in office of, how filled..	5	19
veto of, defeated by full majority of each house.....	5	16
Habeas corpus , may be issued by supreme court.....	6	2
suspended only in rebellion or invasion.....	1	18
Hereditary privileges, &c. , prohibited.....	1	31
Impeachment , all civil officers liable to.....	7	7
to be preferred by house of representatives.....	4	24
tried by senate, on oath	4	24
concurrence of two thirds necessary to conviction... ..	4	24
judgment, removal and disqualification.....	7	7
Imprisonment , for contempt, by General Assembly, not to exceed forty-eight hours.....	4	14
for debt, prohibited.....	1	22
Indictable offences , not proceeded against by information.....	1	9
Information , prohibited for indictable offences.....	1	9
Injunction , may be granted by circuit judge.....	6	7
supreme court.....	6	2
Internal improvement , works of, laws to be passed, what.....	4	32
right of way, &c., may be secured by law..	1	25
Involuntary servitude , except as punishment, prohibited.....	1	34
Jeopardy , no one to be put in, twice for the same offence.....	1	10
Joint resolutions , to be presented to the Governor like bills.....	5	17
Journal to be kept by each house of the General Assembly.....	4	15
Judges , age of, not to exceed seventy years.....	6	13
are conservators of the peace.....	6	14

	ART.	SEC.
hold office for six years.....	6	12
liable to removal, on address by General Assembly.....	6	12
may fill vacancy in clerkship.....	6	15
of supreme court, elected by General Assembly.....	6	11
compensation not to be diminished during term.....	6	10
to receive no fees or perquisites.....	6	10
to hold no other office.....	6	10
of circuit court, elected by people.....	6	11
may issue injunctions.....	6	7
may and may not exchange circuits, when.....	6	6
must reside in circuit.....	6	4
hold no other office.....	6	10
receive no fees or perquisites.....	6	10
compensation not to be diminished during term.....	6	10
vacancy, filled by Governor.....	6	11
of probate and inferior courts, elected by people.....	6	11
vacancy filled by Governor.....	6	11
may be made to act as clerk.....	6	15
Judicial power, vested in what courts.....	6	1
Jurisdiction, of supreme court.....	6	2
circuit court.....	6	5
justice of the peace.....	6	9
Jury, grand, may be dispensed with, in what cases.....	1	9
may decide law and fact in civil cases.....	1	13
trial by, declared inviolate.....	1	12
right of accused to speedy.....	1	7
Justice, to be admitted without sale, denial, or delay.....	1	14
Justices of the peace, to be appointed for each county.....	6	9
jurisdiction of in civil cases.....	6	9
appeal to be allowed in all cases tried before.....	6	9
Lands, to be taxed according to value.....	4	39
Larceny, petit, may be made triable before justice of peace.....	1	9
Laws, style of.....	4	2
to be passed by original bill.....	4	2
relate to but one subject, which must be stated in title.....	4	2
how originated and passed by General Assembly.....	4	18
approved or vetoed by the Governor.....	5	16
not to be suspended, except by General Assembly.....	1	23
ex-post-facto, and impairing contracts, prohibited.....	1	24
special, not to be passed, when.....	4	38
to be digested every ten years.....	4	27
Legislative department.....	4	
power, vested in General Assembly.....	4	1
Libel, jury to decide both law and fact, when.....	1	13
truth may be given in evidence, when.....	1	13
Majority, of each house, to constitute quorum.....	4	12
Mandamus, writ of, may be issued by supreme court.....	6	2
Marriages, with negroes, to be prohibited by law.....	4	31
Military, subordinate to civil power.....	1	29
Militia, to be organized and disciplined by law.....	4	35
may be called out by Governor, when.....	5	8
officers in, appointed how.....	4	35

	ART.	SEC.
Misdemeanors, may be made triable how.....	1	9
Money, to be drawn from treasury only by appropriation.....	4	37
Navigable waters, laws to be passed relative to.....	4	32
Negroes, marriages with, to be prohibited by law.....	4	31
Nobility, titles of, prohibited.....	1	31
Oath of office, to support constitution, &c.....	7	6
Office, civil, who eligible to.....	7	4
Governor not to hold any other.....	5	18
member of General Assembly ineligible to what.....	4	20
term of, not to exceed good behavior.....	1	31
Officers, civil, all liable to impeachment.....	7	7
militia, how appointed.....	4	35
Organization of General Assembly.....	4	11
Pardons, may be granted by Governor.....	6	13
Penal code, reformatory, to be adopted from time to time.....	4	26
People, political power inherent in.....	1	2
may alter government at will.....	1	2
Perjury, conviction of, disqualifies as elector.....	8	1
renders ineligible to civil office.....	7	4
General Assembly.....	4	4
Petition, right of, declared inviolate.....	1	26
President of senate, elected biennially.....	4	11
to act as Governor in case of vacancy.....	5	19
compensation of, when acting as Governor.....	5	20
Privilege, hereditary, not to be conferred.....	1	31
separate exclusive, none entitled to.....	1	1
of electors, from arrest, &c.....	8	3
of members of General Assembly.....	4	21
Process, style of.....	6	16
Property, private, not to be taken by law without compensation.....	1	25
Prosecutions, criminal, rights of accused in.....	1	7
to be in name of State.....	6	16
conclude against peace and dignity.....	6	16
Protest, right of senator, or representative to.....	4	16
Punishment, cruel, forbidden.....	1	16
Quartering soldiers on citizens, prohibited.....	1	30
Quartermaster-general, elected how.....	4	35
Quorum, majority of each house to constitute.....	4	12
Quo warrant, writ of, may be issued by supreme court.....	6	2
Religion, not to be established by law.....	1	4
civil rights of citizen not affected by.....	1	4
Religious tests, prohibited.....	1	4
Remedy, every one to have, for injury.....	1	14
Representatives, age, and other qualifications of.....	4	5
hold office two years.....	4	5
not eligible to other office.....	4	20
to be apportioned how.....	4	6
house of, one branch of General Assembly.....	4	1
consists of not more than one hundred members,.....	4	6
choose officers biennially.....	4	11
has sole power to impeach.....	4	24
revenue bills must originate in.....	4	18

	ART.	SEC.
speaker of, when to act as Governor.....	5	19
compensation, when so acting.....	5	20
Reprieves, may be granted by Governor.....	5	13
Reserved rights of citizens, declared inviolate	1	36
Residence, not forfeited by temporary absence	1	33
Revenue bills, must originate in the house of representat ves.....	4	18
may be amended or rejected by senate.....	4	18
Roads, public, laws to be passed relative to	4	32
Salaries, officers', deductions from to be regulated by law.....	4	29
Schools, to be encouraged by law.....	4	33
School lands, to be preserved from waste, &c....	4	33
Searches, unreasonable, prohibited.....	1	6
Secretary of State, to be elected by General Assembly.....	7	1
attest commissions	7	5
hold office two years	7	1
returns of elections to be made to.....	8	4
Seizures, unreasonable, prohibited.....	1	6
Self-defence, right to carry arms in	1	27
Senate, one branch of General Assembly.....	4	1
consists of how many members.....	4	7
impeachments to be tried by.....	4	21
officers of, chosen biennially.....	4	11
president of, chosen biennially	4	11
to act as Governor in case of vacancy.....	5	19
compensation of, when so acting.....	5	20
Senators, age, and other qualifications of.....	4	8
hold office four years	4	9
to be divided into two classes, &c.....	4	9
not eligible to other office.....	4	20
Senatorial districts, when and how formed.....	4	7
Sheriff, to be elected in each county.....	7	3
hold office three years.....	7	3
not eligible two successive terms	7	3
vacancy in office of, to be filled by Governor.....	7	3
Slavery, prohibited.....	1	34
Soldiers, not to be quartered on citizens.....	1	30
Solicitor, to be elected by General Assembly.....	7	2
one for each circuit.....	7	2
hold office four years.....	7	2
compensation of, not to be diminished during term.	7	2
Speaker, elected biennially.....	4	11
to act as Governor, when.....	5	19
compensation of, when acting as Governor.....	5	20
Special legislation, prohibited when.....	4	33
Staff officers, how appointed	4	35
Standing army, prohibited in peace	1	29
appropriations for, not to be for more than one year.....	1	29
State, boundaries of, declared.....	2	1
may be sued, as by law provided	1	16
Statutes, public, to be digested every ten years.....	4	27
Style of laws.....	4	2
process.....	6	16

	ART.	SEC.
Suffrage, right of, to be protected by proper laws.....	1	35
Suicide, estate of, no forfeiture of.....	1	21
Suits against the State, how brought.....	1	15
Suspension of laws, to be only by General Assembly.....	1	23
Taxation, of lands, to be according to value.....	4	39
power of, not to be delegated by General Assembly.....	4	40
Term of office, not to exceed good behavior	1	31
of attorney-general, four years.....	7	2
clerks, four years.....	6	16
comptroller of public accounts, two years.....	7	1
Governor, two years.....	5	4
judges, six years.....	6	12
representatives, two years.....	4	5
senators, four years.....	4	9
secretary of State, two years.....	7	1
sheriffs, three years.....	7	3
solicitors, four years	7	2
State treasurer, two years.....	7	1
Tests, religious, prohibited.....	1	4
Tithes, for support of church, prohibited.....	1	4
Titles of nobility, &c., prohibited	1	31
Treason, definition and proof of.....	1	19
attainder for, prohibited.....	1	20
Governor's power to pardon for.....	5	13
no privilege to elector, in case of.....	8	3
member of General Assembly.....	4	21
Treasurer, State, elected by General Assembly.....	7	1
holds office two years	7	1
Trial by jury, declared inviolate	1	12
right of accused to speedy.....	1	7
Unlawful assembly, may be made triable before justice, &c.....	1	9
University funds and lands, to be preserved.....	4	33
Vacancy, in General Assembly, filled how.....	4	23
offices filled by General Assembly, filled how.....	5	15
judgeship, filled by Governor.....	6	11
clerkship, filled by judge.....	6	15
sheriffalty, filled by Governor.....	7	3
Vagrancy, may be made triable before justice, &c.....	1	9
Veto of Governor, defeated by full majority of each house.....	5	16
Warrants, not to issue without probable cause, oath, &c.....	1	6
Way, right of, may be secured by law.....	1	25
Witnesses, right of accused to be confronted with.....	1	7
have compulsory process for.....	1	7
Yeas and nays, may be called by two members.....	4	16
to be entered on borrowing money, &c.....	4	41
passing bill over Governor's veto.....	5	16
removal of judges.....	6	12
amendments to constitution.....	9	1

ORDINANCES AND RESOLUTIONS.

TABLE OF TITLES AND DATES.

No. 1. An ordinance in relation to printing for the convention. Adopted September 12th, 1865.

No. 2. An ordinance to authorize the judge of the sixth judicial circuit of this State to fix the place of holding the circuit court in Baldwin county. Adopted September 16th, 1865.

No. 3. An ordinance to amend the tenth section of the fifth article of the constitution. Adopted September 18th, 1865.

No. 4. A resolution authorizing and requesting the Provisional Governor of this State to call out the militia for certain purposes. Adopted September 20th, 1865.

No. 5. An ordinance ratifying certain laws of the State passed since the 11th day of January, 1861. Adopted September 21st, 1865.

No. 6. An ordinance in relation to the institution of slavery and the abolition thereof. Adopted September 22d, 1865.

No. 7. An ordinance to legalize decrees of divorce granted by the several chancery courts of this State since the 11th day of January, 1861. Adopted September 22d, 1865.

No. 8. An ordinance to divide the State of Alabama into congressional districts. Adopted September 23d, 1865.

No. 9. An ordinance to amend section twelve of the bill of rights of the constitution of this State. Adopted September 23d, 1865.

No. 10. A resolution authorizing B. M. Woolsey, State salt commissioner, to sell property belonging to the State. Adopted September 23d, 1865.

No. 11. An ordinance to amend the first section of the declaration of rights of the constitution of the State of Alabama. Adopted September 23d, 1865.

No. 12. An ordinance to amend the constitution of the State of Alabama. Adopted September 23d, 1865.

No. 13. An ordinance declaring the ordinance of secession null and void. Adopted September 25th, 1865.

No. 14. An ordinance declaring null and void certain ordinances and other proceedings of a convention of the State of Alabama adopted in January and March, 1861. Adopted September 26th, 1865.

No. 15. An ordinance to provide for paying the interest on the old bonded debt of this State. Adopted September 26th, 1865.

No. 16. An ordinance to authorize the Provisional Governor to discharge the duties of Governor until the installation of a Governor elected by the people. Adopted September 26th, 1865.

No. 17. A resolution to publish the constitution and ordinances adopted by the convention. Adopted September 27th, 1865.

No. 18. An ordinance to amend sections eight and fourteen of article three of the constitution. Adopted September 27th, 1865.

No. 19. An ordinance to amend section twenty-eight of article three of the constitution. Adopted September 27th, 1865.

No. 20. An ordinance to amend sections twenty-five and twenty-six of article three of the constitution. Adopted September 27th, 1865.

No. 21. An ordinance to amend the thirteenth subdivision of article six of the constitution of Alabama. Adopted September 27th, 1865.

No. 22. An ordinance declaring the mode by which a convention may be held. Adopted September 27th, 1865.

No. 23. An ordinance in relation to the militia of the State of Alabama. Adopted September 27th, 1865.

No. 24. A resolution relating to the insane hospital at Tuscaloosa. Adopted September 27th, 1865.

No. 25. An ordinance declaring the war debt void, and for other purposes. Adopted September 28th, 1865.

No. 26. An ordinance to ratify certain acts, judgments, and other proceedings therein mentioned. Adopted September 28th, 1865.

No. 27. An ordinance concerning the office of sheriff. Adopted September 28th, 1865.

No. 28. An ordinance in relation to the pay and mileage of delegates, pay of officers of the convention, and for other purposes. Adopted September 28th, 1865.

No. 29. An ordinance to explain an ordinance therein named. Adopted September 29th, 1865.

No. 30. An ordinance to amend sections nine and ten of article three of the constitution. Adopted September 29th, 1865.

No. 31. An ordinance to amend the third article of the constitution of Alabama of 1819. Adopted September 29th, 1865.

No. 32. An ordinance to vacate certain offices, &c. Adopted September 29th, 1865.

No. 33. An ordinance concerning the election of State, county, and municipal officers, and for members of Congress. Adopted September 29th, 1865.

No. 34. An ordinance requiring civil officers to continue to act as agents of the freedmen's bureau. Adopted September 29th, 1865.

No. 35. An ordinance to regulate and define the time of holding the present fall term of the circuit courts in the counties composing the eleventh judicial circuit of the State. Adopted September 29th, 1865.

No. 36. An ordinance concerning dower, and the limitation as to the claim for the same. Adopted September 29th, 1865.

No. 37. An ordinance to provide for the payment of the interest on the bonded debt of the State of Alabama. Adopted September 29th, 1865.

No. 38. A resolution in relation to the sale of the State salt works. Adopted September 29th, 1865.

No. 39. An ordinance to ratify marriages between freedmen and freedwomen, and for other purposes. Adopted September 29th, 1865.

No. 40. An ordinance dissolving the rites of matrimony hitherto solemnized between J. C. Matthews and his wife Fannie Matthews, of the county of Pike. Adopted September 29th, 1865.

No. 41. An ordinance to amend section one of article three of the constitution of 1819. Adopted September 30th, 1865.

No. 42. An ordinance to amend article three of the constitution of 1819. Adopted September 30th, 1865.

No. 43. An ordinance conferring additional police powers on the mayors of the towns of Huntsville in Madison county, Athens in Limestone county, and Florence in Lauderdale county. Adopted September 30th, 1865.

No. 44. An ordinance relating to free colored mariners. Adopted September 30th, 1865.

No. 45. An ordinance in relation to the issuance of State bonds. Adopted September 30th, 1865.

No. 46. An ordinance in relation to parol testimony in set-off on contracts made during the war. Adopted September 30th, 1865.

No. 47. An ordinance granting a stay of execution on all judgments and decrees of the several courts of this State. Adopted September 30th, 1865.

No. 48. An ordinance to provide compensation for certain officials therein named. Adopted September 30th, 1865.

No. 49. A resolution in relation to the State debt. Adopted September 30th, 1865.

No. 50. A resolution authorizing the Provisional Governor to employ a suitable person to superintend the printing of the constitution and ordinances adopted by this convention, and for paying for the same. Adopted September 30th, 1865.

No. 51. A resolution authorizing the Provisional Governor to have one thousand copies of the constitution, &c., printed and distributed. Adopted September 30th, 1865.

No. 52. A resolution in relation to the pay of printers and probate judges. Adopted September 30th, 1865.

No. 53. A resolution appropriating one hundred and fifty dollars to pay the secretary of this convention for extra services. Adopted September 30th, 1865.

No. 54. A resolution requesting the President of the United States to remove the United States forces from this State, except the garrison of the coast. Adopted September 30th, 1865.



ORDINANCES AND RESOLUTIONS.

No. 1.] AN ORDINANCE

In relation to printing for the Convention.

SEC. 1. *Be it ordained by the people of the State of Alabama in convention assembled*, That the printers for the provisional government be, and they are hereby, authorized to do the printing required by this convention, upon the same terms as, by contract with the Governor, they do the printing for said provisional government.

Adopted 12th September, 1865.

No. 2.] AN ORDINANCE

To authorize the judge of the sixth judicial circuit of this State to fix the place of holding the circuit court in Baldwin county.

SEC. 1. *Be it ordained by the people of Alabama in convention assembled*, That until otherwise directed by legislative enactment, the judge of the sixth judicial circuit of Alabama shall be, and is hereby, authorized and empowered to fix the place within the county of Baldwin for convening the circuit court. *Provided*, That the said judge shall notify the sheriff of said county of the place appointed by him, thirty days before the time fixed by law for convening said court.

Adopted 16th September, 1865.

No! 3.]

AN ORDINANCE

To amend the tenth section of the fifth article of the constitution.

SEC. 1. *Be it ordained by the people of the State of Alabama in convention assembled,* That the 10th section of article 5th of the constitution of the State of Alabama of 1819, be amended by striking out the word "fifty," and inserting in lieu thereof the words "one hundred."

Adopted 18th September, 1865. *See Statutes, Owens, 26 Ala. 58.*

No. 4.]

A RESOLUTION

Authorizing and requesting the Provisional Governor of this State to call out the militia for certain purposes.

Resolved, That his excellency, L. E. Parsons, Provisional Governor of the State of Alabama, in view of the lawlessness and violence that prevail in many counties of this State, be respectfully requested to organize and call out one or more companies of militia in each county as soon as practicable, to aid in repressing disorder and preserving the public peace; and to this end, this convention hereby authorizes and empowers the Provisional Governor to adopt such measures as he may think necessary and proper for that purpose.

Adopted 20th September, 1865.

No. 5.]

AN ORDINANCE

Ratifying certain laws of the State passed since the 11th day of January, 1861.

SEC. 1. *Be it ordained by the people of the State of Alabama in convention assembled,* That all laws enacted by any legislature of this State since the 11th day of January, 1861, which have not since been repealed, and which are not in conflict with the constitution of the United States and laws made in pursuance thereof, or with the constitution of this State, be, and the same

are hereby, ratified and declared to be valid from their respective dates, and shall remain in full force and effect, until repealed according to law ; except, however, all such laws as authorized the issue of bonds, treasury notes and change bills by the State, and all laws which authorized the payment of all debts to the State for moneys loaned to individuals or corporations in Confederate money or bonds, and the payment hereafter of dues and taxes to the State, in Confederate bonds, or treasury notes, or State treasury notes, and all laws in relation to taxation.

SEC. 2. *Be it further ordained*, That in computing the time necessary to create the bar of the statutes of limitations and non-claim, the time elapsing between the 11th day of January, 1861, and the passage of this ordinance, shall not be estimated.

Adopted 21st September, 1865.

No. 6.]

AN ORDINANCE

In relation to the institution of slavery and the abolition thereof.

SEC. 1. *Be it ordained by the people of Alabama in convention assembled*, That as the institution of slavery has been destroyed in the State of Alabama, hereafter there shall be neither slavery nor involuntary servitude in this State, otherwise than for the punishment of crime, whereof the party shall have been duly convicted.

SEC. 2. *Be it further ordained*, That the constitution be amended by striking out all provisions in relation to slaves and slavery.

SEC. 3. *Be it further ordained*, That it shall be the duty of the legislature, at its next session, to pass such laws as will protect the freedmen of this State in the full enjoyment of all their rights of person and property, and guard them and the State against any evils that may arise from their sudden emancipation.

Adopted 22d September, 1865.

No. 7.]

AN ORDINANCE

To legalize decrees of divorce granted by the several chancery courts of this State since the 11th January, 1861.

SEC. 1. *Be it ordained by the people of Alabama in convention assembled*, That all decrees of divorce rendered by the chancery courts of this State since the 11th January, 1861, are hereby declared valid and legal, to the same extent as if sanctioned by two thirds of both houses of the General Assembly.

Adopted 22d September, 1865.

No. 8.]

AN ORDINANCE

To divide the State of Alabama into Congressional districts.

SEC. 2. *Be it ordained by the people of Alabama in convention assembled*, That the State of Alabama be laid off into six congressional districts, as follows: The first district to be composed of the counties of Mobile, Baldwin, Washington, Conecuh, Covington, Monroe, Clarke, Wilcox, Dallas, and Butler; the second district to be composed of the counties of Montgomery, Lowndes, Autauga, Pike, Barbour, Henry, Dale, and Coffee; the third district to be composed of the counties of Macon, Russell, Chambers, Talladega, Tallapoosa, Coosa, and Randolph; the fourth district to be composed of the counties of Choctaw, Sumter, Pickens, Fayette, Tuscaloosa, Bibb, Shelby, Marengo, Perry, and Greene; the fifth district to be composed of the counties of Jackson, Madison, Marshall, DeKalb, Cherokee, Calhoun, and St. Clair; and the sixth district to be composed of the counties of Lauderdale, Limestone, Franklin, Lawrence, Morgan, Marion, Winston, Walker, Blount, and Jefferson.

SEC. 2. *Be it further ordained*, That the sheriffs of the following counties shall be the returning officers for their respective districts, to wit: Monroe, Pike, Greene, Tallapoosa, DeKalb, and Lawrence.

SEC. 3. *Be it further ordained*, That this ordinance shall only continue in force until the General Assembly shall provide by law for re-districting the State and the election of members of the next congress.

Adopted 23d September, 1865.

No. 9.]

AN ORDINANCE

To amend section twelve of the bill of rights of the constitution of the State.

SEC. 1. *Be it ordained by the people of Alabama in convention assembled,* That section twelve of the declaration of rights, in the constitution of this State, be amended by adding the following proviso, to wit: *Provided,* That the legislature, in cases of petit larceny, assaults, assault and battery, affray, unlawful assemblies, vagrancy, and other misdemeanors, may dispense with a grand jury, and authorize such prosecutions before justices of the peace, or such other inferior courts as may be established by the legislature; and the proceedings in such cases shall be regulated by law.

Adopted 23d September, 1865.

No. 10.]

A RESOLUTION

Authorizing B. M. Woolsey, State salt commissioner, to sell property belonging to the State.

Resolved, That B. M. Woolsey, late salt commissioner, be, and he is hereby, authorized to sell the property belonging to the State, at the lower State works, at private or public sale, as in his judgment may be best; and that all the claims of the State for salt due the State be collected or commuted by him on the basis of the present value of salt; and that the said commissioner report to the next session of the General Assembly.

Adopted 23d September, 1865.

No. 11.]

AN ORDINANCE

To amend the first section of the declaration of rights of the constitution of the State of Alabama.

SEC. 1. *Be it ordained by the people of the State of Alabama, in convention assembled,* That the first section of the declara-

tion of rights be, and the same is hereby, stricken out, so that said section will then read as follows : "Section 1st. That no man, or set of men, are entitled to exclusive or separate public emoluments or privileges, but in consideration of public services."

Adopted 23d September, 1865.

No. 12.]

AN ORDINANCE

To amend the constitution of the State of Alabama.

SEC. 1. *Be it ordained by the people of Alabama in convention assembled*, That section 16th, article 6th, of the constitution of the State, be amended and altered, so that it will then read as follows, to wit : "Section 16. The General Assembly may, by a vote of two thirds of both branches thereof, arrange and designate boundaries for the several counties of this State, which shall not be altered except by a like vote. But no new county shall be hereafter formed of less extent than six hundred square miles : nor shall any existing county be reduced to a less extent ; and no new county shall be formed not containing a sufficient number of inhabitants to entitle it to representation, nor unless the old counties from which the new one is formed are left with the required number, entitling them to representation."

Adopted 22d September, 1865.

No 13.]

AN ORDINANCE

Declaring the ordinance of secession null and void.

SEC. 1. *Be it ordained by the people of the State of Alabama in convention assembled*, That an ordinance adopted by a former convention of the people of the State of Alabama, on the 11th day of January, A. D. 1861, entitled "An ordinance to dissolve the union between the State of Alabama and other States united under the compact styled 'the constitution of the United States of America,' " be, and the same is hereby, declared null and void.

Adopted 25th September, 1865.

No. 14.]

AN ORDINANCE

Declaring null and void certain ordinances and other proceedings of a convention of the State of Alabama, adopted in January and March, 1861.

SEC. 1. *Be it ordained by the people of the State of Alabama in convention assembled,* That all the ordinances, resolutions, and other proceedings, of a convention of the people of the State of Alabama, begun and held on the 7th of January, 1861, and on the 4th of March, 1861, together with so much of the constitution adopted by said convention for the State of Alabama as conflicts with the constitution of the United States, are hereby declared null and void.

Adopted 26th September, 1865.

No. 15.]

AN ORDINANCE

To provide for paying the interest on the old bonded debt of this State.

SEC. 1. *Be it ordained by the people of the State of Alabama in convention assembled,* That his excellency, Lewis E. Parsons, Provisional Governor, be, and is hereby, authorized, by the sale of the bonds of the State of Alabama, to the amount of two hundred thousand dollars, having not less than twenty years to run, and bearing six per cent. interest, payable semi annually, to raise the means to pay the interest on the bonded debt existing prior to January, 1861, past due, and which will become due in January, 1866. *Provided,* that the bonds be sold at not less than par.

Adopted 26th September, 1865.

No. 16.]

AN ORDINANCE

To authorize the Provisional Governor to discharge the duties of Governor, until the installation of a Governor elected by the people.

SEC. 1. *Be it ordained by the people of the State of Alabama in convention assembled,* That his excellency, Lewis E. Parsons,

the Provisional Governor, be, and he is hereby, requested and authorized to discharge the duties of Governor of the State of Alabama, until the Governor regularly elected by law be installed and qualified.

Adopted 26th September, 1865.

No. 17.]

A RESOLUTION

To publish constitution and ordinances adopted by the convention.

Resolved by the people of Alabama in convention assembled, That the printers of the convention, as soon as practicable after the adjournment thereof, publish one thousand copies of the ordinances and constitution adopted by this convention, in pamphlet form, and that five copies of the same be sent to each member of this convention ; and that one copy be placed on the desk of each senator and representative at the meeting of the State legislature.

Adopted 27th September, 1865.

AN ORDINANCE

To amend sections eight and fourteen of article three of the constitution.

SEC. 1. *Be it ordained by the people of the State of Alabama in convention assembled,* That the first and second provisos of section eight of article three of the constitution be stricken out.

SEC. 2. *Be it further ordained,* That the following be inserted in lieu of section fourteen : "The senate shall choose a president and its other officers, and the house of representatives shall choose a speaker and its other officers, at the first regular or called session after a general election for represent-

atives ; which officers shall be entitled to hold their respective offices until the next general election. Each house shall judge of the qualifications, elections, and returns of its own members ; but a contested election shall be determined in such manner as shall be directed by law."

Adopted 27th September, 1865.

No. 19.]

AN ORDINANCE

To amend section twenty-eight of article three of the constitution.

SEC. 1. *Be it ordained by the people of the State of Alabama in convention assembled,* That section twenty-eight of article three of the constitution of eighteen hundred and nineteen be amended, by striking out all of said section, and inserting in lieu thereof as follows, to-wit : "The General Assembly shall meet annually, on such day as may be provided by law ; and shall not remain in session longer than thirty days, unless by a vote of two thirds of each house."

Adopted 27th September, 1865.

No. 20.]

AN ORDINANCE

To amend sections twenty-five and twenty-six of article three of the constitution.

SEC. 1. *Be it ordained by the people of the State of Alabama in convention assembled,* That sections twenty-five and twenty-six of article three of the constitution be stricken out, and, in lieu thereof, the following be inserted : "Section 25. No senator or representative shall, during the term for which he shall have been elected, be appointed to any civil office of profit under this State, except such offices as may be filled by election by the people. Section 26. No person holding any lucrative office under the United States, or this State, or any other power, (the office of postmaster, offices in the militia to

which there is attached no annual salary, justices of the peace, commissioners of the court of county commissioners, notary public, and commissioners of deeds excepted.) shall be eligible to the General Assembly of this State."

Adopted 27th September, 1865.

No. 21.]

AN ORDINANCE

To amend the thirteenth subdivision of article six of the constitution of Alabama.

SEC. 1. *Be it ordained by the people of the State of Alabama in convention assembled, and it is hereby ordained by the authority of the same,* That the thirteenth subdivision of article sixth of the constitution of Alabama be amended, by striking out all of said subdivision after the word "chancery" therein, and inserting in lieu thereof the following: "But decrees of divorce shall be final, unless appealed from within three months from the date of the enrollment thereof."

Adopted 27th September, 1865.

No. 22.]

AN ORDINANCE

Declaring the mode by which a convention may be held.

SEC. 1. *Be it ordained by the people of the State of Alabama in convention assembled,* That hereafter no convention shall be called or held in this State, for the purpose of amending or altering the constitution, unless the question of convention or no convention shall first be submitted to, and approved by, a majority of the qualified electors of the State voting at the said election. *Provided,* that this ordinance shall not take effect, until twelve months after the adoption thereof.

Adopted 27th September, 1865.

No. 23.]

AN ORDINANCE

In relation to the militia of the State of Alabama.

SEC. 1. *Be it ordained by the people of Alabama in convention assembled*, That the military code of this State, in force on the 11th day of January, 1861, be declared to be in full force, subject to alteration and amendment by the legislature; and that all other laws in relation to the militia of this State be repealed.

Adopted 27th September, 1865.

No. 24.]

A RESOLUTION

Relating to the insane hospital at Tuscaloosa.

Resolved by the people of Alabama in convention assembled, That the Governor of the State be authorized and requested to advance to the Alabama insane hospital at Tuscaloosa, from the treasury of the State, the necessary amount to sustain and carry on that institution until the meeting of the next legislature; and if the funds required cannot be so supplied, without detriment to the State, on account of other demands on the treasury, that he be authorized to raise for that purpose, by any appropriate means, on the credit of the State, a sum not exceeding twenty-five thousand dollars, and apply so much of the same for the benefit of the said hospital as above provided; and that the legislature provide for the reasonable wants of that hospital out of the first moneys received into the treasury.

Adopted 27th September, 1865.

No. 25.]

AN ORDINANCE

Declaring the war debt void, and for other purposes.

SEC. 1. *Be it ordained by the people of the State of Alabama in convention assembled*, That all debts created by the State of Alabama in aid of the late war, directly or indirectly, are here-

by declared void ; and the General Assembly of the State shall have no authority, and they are hereby forbidden, to ratify the same, or to assume or provide for the payment of the same, or any part thereof.

SEC. 2. *Be it further ordained*, That the General Assembly of the State shall have no authority, and they are hereby forbidden, to assume, or make any provision for, the payment of any portion of the debts contracted or incurred, directly or indirectly, by the Confederate States, or by its agents, or by its authority.

Adopted 28th September, 1865.

No. 26.]

AN ORDINANCE

To ratify certain acts, judgments, and other proceedings therein mentioned.

SEC. 1. *Be it ordained by the people of Alabama in convention assembled*, That all the official acts of acting public officers of this State, and all judgments, orders, and decrees of the several courts of this State, and of the justices of the peace, and of the court of county commissioners, regular upon their face, had, done, and performed, or ordered to be done, under color of law, and in pursuance thereof, and all the acts and sales of executors, administrators, trustees, and guardians, and of judicial and ministerial officers, had, done, and performed, and made in pursuance of, and under color of law, and in good faith, since the eleventh day of January, eighteen hundred and sixty-one, which are not in conflict with the constitution of the United States, or with the constitution of this State, be, and the same are hereby, ratified and confirmed ; subject, however, to the right of appeal and *supersedeas* according to law. *Provided*, that in all cases in which judgments or decrees have been rendered in all courts of record of this State, since the eleventh of January, 1861, and prior to this date, the party against whom such judgment has been rendered shall be entitled to a new trial, upon affidavit that he was unavoidably absent from the court at the time of the rendition of the judgment, and that he had no attorney present in the court. *And provided further*, the court shall be satisfied, from all the facts that may be submitted by affidavit by both parties, that

a good and meritorious defence exists. *And provided further*, such application for a new trial is made within twelve months from the adoption of this ordinance.

SEC. 2. *Be it further ordained*, That all deeds, bonds, mortgages, or other contracts, in writing or otherwise, made since the eleventh of January, eighteen hundred and sixty-one, shall have the same force and effect as if made under the law and prior to the eleventh of January, 1861, and shall be held as valid and binding, in all the courts of this State, as if made under the law and prior to the eleventh of January, 1861.

SEC. 3. *Be it further ordained*, That in all suits upon contracts made between the first of September, eighteen hundred and sixty-one, and the first of May, eighteen hundred and sixty-five, *parol evidence* shall be admissible, to prove what was the consideration thereof, and whether or not the parties thereto understood or agreed that the same should be discharged by a payment in Confederate currency or treasury notes; and if so, or if it appears so from the contract, then to show what was the real or true value of the consideration of the said contract, and what amount the plaintiff is legally, justly and equitably entitled to receive according to the contract by the judgment of the said court.

SEC. 4. *Be it further ordained*, That executors, administrators, guardians, and trustees, shall have the power, and they are hereby authorized, to agree and compromise with those against whom they hold any claims or evidences of debt, contracted since the first day of September, eighteen hundred and sixty-one, which were created with reference to a payment in Confederate money, or any other currency, and receive in payment or discharge thereof, in par funds, what was the true and fair value of the property or other consideration of the said claim.

Adopted 28th September, 1865.

No. 27.]

AN ORDINANCE

Concerning the office of sheriff.

SEC. 1. *Be it ordained by the people of the State of Alabama in convention assembled*, That the persons now holding the office of sheriff in this State, under appointment of the Provisional Governor, shall not be deemed ineligible to election to that of-

office at the next ensuing election ; nor shall they be deemed ineligible by reason of election to that office by the people during the war, unless they have served a full term immediately before the said next ensuing election.

Adopted 28th September, 1865.

No. 28.]

AN ORDINANCE

In relation to the pay and mileage of delegates, pay of officers of the convention, and for other purposes.

SEC. 1. *Be it ordained by the people of the State of Alabama in convention assembled,* That the president of the convention receive, per diem, ten dollars ; delegates, each six dollars ; secretary, eight dollars ; clerk to committee appointed to transcribe and arrange the constitution, per diem, eight dollars ; assistant secretary, six dollars ; door keeper, six dollars ; pages, two dollars : the president and members to receive eight dollars for every twenty miles travel in going to and returning from the seat of government, to the seat of justice in the counties of their residence, computing the distance according to act of the legislature of 1859 and 1860.

SEC. 2. *Be it further ordained,* That the pay of officers, and the pay of delegates to this convention, shall be the compensation allowed the officers and members of the next General Assembly of the State of Alabama ; probate judges and magistrates shall receive, for administering registration oath, and furnishing duplicates to each person, thirty cents ; probate judges, for filing and making out transcript of same, seven and a half cents ; the printing of amnesty and registration oaths, and other matter, to be paid for at the rates agreed upon by the Provisional Governor and the public printer.

SEC. 3. *Be it further ordained,* That the sum of forty thousand dollars, or so much thereof as may be necessary, be, and the same is hereby, appropriated for the pay of members and officers of the State convention now in session at Montgomery, and for all necessary expenses connected therewith.

SEC. 4. *Be it further ordained,* That the action of his excellency, Lewis E. Parsons, Provisional Governor of Alabama, and John Whiting, commissioner and trustee, in procuring a loan of \$ for the State, be, and the same is hereby, ratified and confirmed, and assumed by the State, together with

all pledges made by them respectively, in reference to the same, according to the terms and conditions of said loan.

Adopted 28th September, 1865.

No. 29.]

AN ORDINANCE

To explain an ordinance therein named.

SEC. 1. *Be it ordained by the people of the State of Alabama in convention assembled*, That an ordinance passed at a former day of this convention, entitled, "An ordinance in relation to the institution of slavery and the abolition thereof," shall not be so construed as to limit or restrict the powers of the legislature to pass laws, such as will protect freedmen of this State in the full enjoyment of their rights of person and property, and guard them and the State against any evils that may arise from their sudden emancipation, to the next session of the legislature; but be it ordained, that the General Assembly shall have full power, at any future session or sessions, to pass just and humane laws on this subject, such as will conduce to the welfare of the freedmen, and will consist with the good of the community.

Adopted 29th September, 1865.

No. 30.]

AN ORDINANCE

To amend sections nine and ten of article three of the constitution.

SEC. 1. *Be it ordained by the people of the State of Alabama in convention assembled*, That sections nine and ten of article three of the constitution be, and the same are hereby, repealed, and, in lieu thereof, the following is inserted: "The General Assembly of the State shall cause an enumeration to be made in the year eighteen hundred and sixty-six, and eighteen hundred and seventy-five, and every ten years thereafter, of all the inhabitants of this State; and the whole number of representatives shall, at the first regular session after such enumeration, be apportioned among the several counties entitled

to such representation, according to their respective number of white inhabitants : and the said apportionment, when made, shall not be subject to alteration until after the next census shall be taken."

SEC. 2. *Be it further ordained*, That the whole number of representatives shall never exceed one hundred ; and at the first session after making such enumeration, the General Assembly shall fix by law the whole number of senators, and shall divide the State into the same number of districts, as nearly equal in the number of white inhabitants as may be ; each of which districts shall be entitled to one senator. *Provided*, That the whole number of senators shall never be less than one fourth, nor never more than one third, of the whole number of representatives.

Adopted 20th September, 1865.

No. 31.]

AN ORDINANCE

To amend the third article of the constitution of Alabama of 1819.

SEC. 1. *Be it ordained by the people of the State of Alabama in convention assembled*, That said article be amended, by striking out the twenty-eighth section, and by adding thereto the following sections : "Section 28. No special law shall be enacted, for the benefit of individuals or private corporations, in cases which are provided for by a general law, or where the relief sought can be given by any court of this State. Section 29. Private property shall not be taken for private use, or for the use of corporations other than municipal, without the consent of the owner ; but the right of way may be secured by law to persons and corporations, over the lands of persons and corporations ; also, the right to establish depots, stations, and turn-outs, to works of internal improvements. *Provided*, just compensation is first made to the owner of such lands. Section 30. No power to levy taxes shall be delegated to individuals or private corporations. Section 31. The General Assembly shall not borrow or raise money on the credit of the State, except for the purpose of military defence against actual or threatened invasion, rebellion, or insurrection, unless two-thirds of the members elected to each house shall concur.

Nor shall the debts or liabilities of any corporation, person or persons, or other state be guarantied, or any money, credit, or thing loaned or given away, unless by a like concurrence of each house, voting in cases provided for in this section by *ayes* and *nays*, to be placed upon the journals."

Adopted 29th September, 1865.

No. 32.]

AN ORDINANCE

To vacate certain offices, &c.

SEC. 1. *Be it ordained by the people of Alabama in convention assembled*, That all the offices in this State, which have not already been filled, or may hereafter be filled, by appointment of the Provisional Governor of this State, are hereby declared to be vacant.

SEC. 2. *Be it further ordained*, That the officers appointed by the Provisional Governor shall remain in office during the continuance of the provisional government, and thereafter until their successors, who may be elected under the ordinance adopted by this convention, shall have been duly commissioned and qualified; and the terms of office of those officers who may be elected as aforesaid shall commence with the date of their respective commissions, and continue for the time prescribed by law.

Adopted 29th September, 1865.

No. 33.]

AN ORDINANCE

Concerning election of State, county, and municipal officers, and for members of Congress.

SEC. 1. *Be it ordained by the people of the State of Alabama in convention assembled*, That an election shall be held on the first Monday in November next, in the several counties in this State, for a Governor of this State, and senators and representatives in the General Assembly, together with a sheriff and all other

officers in each county who under the laws now in force are elected by the people, except such officers as are expressly directed by this ordinance to be elected upon a different day.

SEC. 2. *Be it further ordained*, That an election shall be held on the first Monday in December next, in the cities of Mobile and Montgomery, for mayor, aldermen and councilmen, and a clerk for the city council of Montgomery, to be elected in said cities and the several wards thereof, according to their respective charters.

SEC. 3. *Be it further ordained*, That an election shall be held on the first Monday in March next, in each county in this State, and in the several election precincts therein, for justices of the peace and constables, as may be provided by law at the time of the election.

SEC. 4. *Be it further ordained*, That there shall be held throughout this State, on the first Monday in May next, an election for a circuit judge in each judicial circuit, and for a probate judge in each county, and in the counties of Mobile, Montgomery and Dallas, for a judge of the city court of Mobile, the city court of Montgomery, and the city court of Selma, respectively.

SEC. 5. *Be it further ordained*, That the returns of said elections shall be made as required by law at the time of the election, and the officers so elected shall hold their respective offices for the term of years prescribed by law, and until their successors are elected and qualified. *Provided*, That until said officers are elected and qualified, as provided in this ordinance, the persons now holding by appointment of the Provisional Governor shall continue to discharge the duties of said offices.

SEC. -6. *Be it further ordained*, That the Provisional Governor of this State be authorized and requested to issue writs of election for members of congress of the United States; and the same shall be conducted, and returns made, as prescribed by law.

SEC. 7. *Be it further ordained*, That in order to carry out the provisions of this ordinance, the Provisional Governor of this State be, and he is hereby, authorized and requested to issue writs of election, directing the sheriffs of the several counties to hold elections in their respective counties at the times and for the purposes specified in this ordinance.

SEC. 8. *Be it further ordained*, That the members of the General Assembly elected under this ordinance shall assemble at the capitol in the city of Montgomery, on the third Monday in November, 1865. *Provided*, That said General Assembly, or any subsequent one, may fix the time for holding general elections in this State.

Adopted 29th September, 1865.

No. 34.]

AN ORDINANCE

Requiring civil officers to continue to act as agents of the freedmen's bureau.

SEC. 1. *Be it ordained by the people of the State of Alabama in convention assembled*, That the civil officers, now and heretofore acting, or instructed to act, as the agents of the freedmen's bureau in this State, under the proclamation of the Provisional Governor, shall be, and are hereby, required to continue to discharge the duties thereof, under the rules and regulations heretofore prescribed, until the adjournment of the next General Assembly.

Adopted 29th September, 1865.

No. 35.]

AN ORDINANCE

To regulate and define the time of holding the present fall term of the circuit court in the counties composing the eleventh judicial circuit of this State.

SEC. 1. *Be it ordained by the people of the State of Alabama in convention assembled*, That the present fall term of the circuit court of the counties composing the eleventh judicial circuit in this State shall be begun and held in said counties at the time prescribed by the law in force prior to the 11th of January, 1861, or at such other time as may have been appointed by the presiding judge of said judicial circuit.

Adopted 29th September, 1865.

No. 36.]

AN ORDINANCE

Concerning dower, and the limitation as to the claim for the same.

SEC. 1. *Be it ordained by the people of the State of Alabama in convention assembled*, That the period of time elapsing be-

tween the eleventh day of January, 1861, and the adoption of this ordinance, shall not be computed as part of the time limited by law, within which widows may claim their right of dower, or dissent from the will of a deceased husband.

Adopted 29th September, 1865.

No. 37.]

AN ORDINANCE

To provide for the payment of the interest on the bonded debt of the State of Alabama.

SEC. 1. *Be it ordained by the people of Alabama in convention assembled*, That his excellency, Lewis E. Parsons, Provisional Governor, be, and is hereby, authorized, by the sale of bonds of the State of Alabama, to the amount of three hundred thousand dollars, having not less than twenty years to run, and bearing six per cent. interest, payable semi-annually, to raise the means to pay the interest on the bonded debt of the State existing prior to January, 1861, past due, and to become due in January, 1866. *Provided* that the bonds be sold at not less than par.

Adopted 29th September, 1865.

No. 38.]

A RESOLUTION

In relation to sale of State salt works.

Resolved, That B. M. Woolsey, late salt commissioner, be, and he is hereby, authorized to sell the property of the State at the State salt works, at public or private sale, as in his judgment may be best; and that said commissioner report to the next session of the General Assembly.

Adopted 29th September, 1865.

No 39.]

AN ORDINANCE

To ratify marriages between freedmen and freedwomen, and for other purposes.

SEC. 1. *Be it ordained by the people of the State of Alabama in convention assembled,* That all marriages between freedmen and freedwomen, whether in a state of slavery or since their emancipation, heretofore solemnized by any one acting or officiating as a minister, or any one claiming to exercise the right to solemnize the rites of matrimony, whether bond or free, are hereby ratified and made valid, provided the parties are now living together as man and wife; and in all cases of freedmen and freedwomen who are now living together recognizing each other as man and wife, be it ordained that the same are hereby declared to be man and wife, and bound by the legal obligations of such relationship.

SEC. 2. *Be it further ordained,* That the issue of such marriages or cohabitation are hereby legitimized, and shall be held to the same relations and obligations from and to their parents, as if born in lawful wedlock.

SEC. 3. *Be it further ordained,* That the fathers of children born without the father and mother having lived together as man and wife, or when they have heretofore lived together as man and wife and have ceased to do so, shall be required to take care of such children as in the case of bastards, under the laws of this State, and such laws on this subject as may be hereafter enacted by the General Assembly.

SEC. 4. *Be it further ordained,* That hereafter freedmen and freedwomen shall be bound by the same laws of intermarriage, and be required to conform to similar ceremonies, with the exception that they shall not be required to give bond in marrying, as in the case of whites, until otherwise enacted by the General Assembly.

SEC. 5. *Be it further ordained,* That the General Assembly shall be, and are hereby, invested with full powers to provide for the maintenance and support of the freedmen and women and children of the State of Alabama.

Adopted 29th September, 1865.

No. 40.]

AN ORDINANCE

Dissolving the rites of matrimony, hitherto solemnized, between J. C. Mathews and his wife, Fannie Mathews, of the county of Pike.

Whereas, It appears that the circumstances demand an extraordinary remedy for the relief of the said parties, and with the express reservation that this ordinance shall not be held as a precedent for the guidance of any future authorized body, or of this convention, in like circumstances hereafter.

SEC. 1. *Be it ordained by the people of Alabama in convention assembled*, That the marriage relation now existing between J. C. Mathews and his wife, Fannie Mathews, of the county of Pike, be, and the same is hereby, annulled, and in future held for nought.

Adopted 29th September, 1865.

No. 41.]

AN ORDINANCE

To amend section 1, of article 3 of the constitution of 1819.

SEC. 1. *Be it ordained by the people of the State of Alabama in convention assembled*, That section one of article three of the constitution of 1819 be amended, by adding thereto the following words: "All laws shall be passed by original bill; and every law enacted by the General Assembly, shall embrace but one subject, and that shall be described in the title; and no law, or section of law, shall be revised, or amended, by reference to its title or section only, but the act revised, or section amended, shall be set forth and published at full length."

Adopted 30th September, 1865.

No 42.]

AN ORDINANCE

To amend article three of the constitution of 1819.

SEC. 1. *Be it ordained by the people of Alabama in convention assembled*, That article three of the constitution of 1819 be

amended by adding the following thereto : " Section 34. That it shall be the duty of the General Assembly of this State, at its first session, and thereafter as it shall deem proper, to pass a law or laws prohibiting the intermarriage of white persons with negroes, or persons of mixed blood, and declaring such marriages null and void *ab initio*, and making the parties to any such marriage subject to criminal prosecution, with such penalties as the General Assembly may prescribe."

Adopted 30th September, 1865.

No. 43.]

AN ORDINANCE

Conferring additional police powers on the mayors of the towns of Huntsville, in Madison county ; Athens, in Limestone county ; and Florence, in Lauderdale county.

Whereas, In the counties of Madison, Limestone, and Lauderdale, in the State of Alabama, being counties bordering on the State of Tennessee, and along and near the line between these States, there are many lawless men, and crimes and misdemeanors may well be apprehended frequently to occur, making a vigorous police necessary to insure safety and maintain law ; *Therefore*,

SEC. 1. *Be it ordained by the people of Alabama in convention assembled*, That the mayor of the city of Huntsville, and the mayors of the towns of Athens and Florence, shall, respectively, have police jurisdiction within their respective counties, with power to try all persons that shall be brought before them for trial, accused of crimes not requiring the intervention of a grand jury by the constitution made and established by this convention ; and on conviction of offenders, the said mayors, respectively, shall have power to punish according to the laws of this State ; and in case of punishment by fine and failure to pay the same *instantly*, with legal costs, the offender, if male, shall be condemned to work out the fines and costs on public works of the county towns respectively ; and if female, shall be imprisoned at the discretion of the mayor who shall have tried the case.

SEC. 2. *And be it further ordained*, That to enforce tranquility in the counties aforesaid, the mayor and aldermen of said towns, respectively, shall have power to employ a police force, to the extent they may consider for public good, whose duty it shall be vigilantly to perform police duty to the full extent of the county for which appointed.

SEC. 3. *And be it further ordained*, That for any malfeasance or misfeasance in office, by said policemen, he or they may be dismissed by the mayor and aldermen by whom appointed, or be fined by the mayor, according to the nature of the offence. *Provided*, That this ordinance may be modified or repealed by the legislature of the State of Alabama.

Adopted 30th September, 1865.

No. 44.]

AN ORDINANCE

Relating to free colored mariners.

SEC. 1. *Be it ordained by the people of the State of Alabama in convention assembled*, That article 3, chapter 4, title 13, and part 1, of the Code of Alabama, in relation to free colored mariners, be, and the same is hereby, declared null and void.

Adopted 30th September, 1865.

No. 45.]

AN ORDINANCE

In relation to the issuance of State bonds.

SEC. 1. *Be it ordained by the people of the State of Alabama in convention assembled*, That all bonds, issued in virtue of any ordinance passed by this convention, shall be signed by the comptroller, treasurer, and Provisional Governor of this State, and shall be made payable in the city of New York, and the interest shall be payable every six months.

Adopted 30th September, 1865.

No. 46.]

AN ORDINANCE

In relation to parol testimony in set-off, on contracts made during the war.

SEC. 1. *Be it ordained by the people of Alabama in convention assembled*, That where a set-off shall be pleaded, or offered in evidence, in any suit, and the contract from which the set-off arises shall have been made between the first day of September, 1861, and the first day of May, 1865, parol evidence shall be admissible, to prove what was the consideration of the said contract, and whether or not the parties agreed or understood that the same should be discharged by a payment in Confederate currency or treasury notes ; and if so, or if it so appears from the contract itself, then to show by evidence what was the real and true value of the said consideration, and what amount the defendant is legally, justly and equitably entitled to have allowed him as a set-off according to said contract ; and the judgment of the court shall be according to the finding of the jury in such case.

Adopted 30th September, 1865.

No. 47.]

AN ORDINANCE

Granting a stay of execution on all judgments and decrees of the several courts of this State.

SEC. 1. *Be it ordained by the people of the State of Alabama in convention assembled*, That whenever any writ of execution, *venditioni exponas*, or other legal process requiring the sale of property, shall be, or has been, issued from any court of this State, it is made the duty of the officer to whom delivered for collection, upon being paid the costs due the officers of court upon the same, (sheriff's commissions not included,) to return the said writ or other process to the proper court, with his endorsement thereon, showing the amount of costs by him received, and shall also endorse thereon, "returned by operation of law," date, and sign the same.

SEC. 2. *Be it further ordained*, That all the defendant's property, which is subject to levy and sale by execution, shall stand for the payment of the debts due by the judgment in such writ or other process,

SEC. 3. *Be it further ordained*, That this ordinance shall cease to be law, from and after the adjournment of the first session of the General Assembly of this State, which may assemble after the passage of this ordinance. *Provided*, the lien created by the second section hereof shall not be destroyed, so long as said writ or other process shall remain unsatisfied in whole or in part.

Adopted 30th September, 1865.

No 48.]

AN ORDINANCE

To provide compensation for certain officials therein named.

SEC. 1. *Be it ordained by the people of the State of Alabama in convention assembled*, That his excellency, the Provisional Governor of the State of Alabama, and his several appointees to salaried offices established and authorized by the laws of this State previous to the inauguration of the said provisional government, shall receive the same salaries as provided by act of the General Assembly of December, 1862, for such officials; and in cases where it has been deemed necessary, and additional clerks have been appointed by the Provisional Governor for transacting the business of the executive department, that such clerks shall receive the same compensation as other clerks in said department.

Adopted 30th September, 1865.

No. 49.]

A RESOLUTION

In relation to the State debt.

Resolved by the people of the State of Alabama in convention assembled. That they hereby pledge themselves to the prompt payment of every debt contracted by the State, or for which she was liable, prior to the 11th day of January, 1861; and that the legislature, at the next and succeeding sessions, take all necessary steps to provide the means for the payment of the interest due and to become due thereon.

Adopted 30th September, 1865.

No. 50.]

A RESOLUTION

Authorizing the Provisional Governor to employ a suitable person to superintend the printing of the constitution and ordinances adopted by this convention, and for paying for the same.

Resolved by the people of the State of Alabama in convention assembled, That his excellency, the Provisional Governor, be, and he is hereby, authorized and requested to appoint some competent person to superintend the printing of the constitution and ordinances adopted by this convention, and to prepare and publish with them an accurate index of each; and to allow the person so appointed such compensation for his said services, as may seem reasonable and proper.

Adopted 30th September, 1865.

No. 51.]

A RESOLUTION

Authorizing the Provisional Governor to have one thousand copies of the constitution, &c., printed and distributed.

Resolved, That the Provisional Governor be, and he is hereby, authorized to cause to be printed one thousand copies of the constitution and ordinances adopted by this convention, and that five copies be sent to each member of this convention, and one copy to each judge of circuit court, judges of probate court, and justices of the peace.

Adopted 30th September, 1865.

No. 52.]

A RESOLUTION

In relation to the pay of printers and probate judges.

Resolved by the people of the State of Alabama in convention assembled, That the comptroller of public accounts be, and he is hereby, authorized and required to draw his warrant on the State treasurer, in favor of printers, for the amount that may

be due them for printing done under the proclamation of Governor Parsons ; and in favor of judges of probate, for services rendered in administering, transcribing and filing amnesty oaths ; upon satisfactory proof being made to him, that the said work was rendered in accordance with the charges prescribed in an ordinance "in relation to the pay and mileage of delegates," &c., adopted by this convention.

Adopted 30th September, 1865.

No. 53.]

A RESOLUTION

Appropriating one hundred and fifty dollars to pay secretary of this convention for extra services.

Resolved by the people of the State of Alabama in convention assembled, That the sum of one hundred and fifty dollars be, and it is hereby, appropriated to William G. Ogbourne, secretary of this convention, for the necessary services to be done by him in copying the journals of this convention and the constitution adopted by the convention, for the use of the printers, and for his services in superintending the distribution of the same.

Adopted 30th September, 1865.

No. 54.]

A RESOLUTION

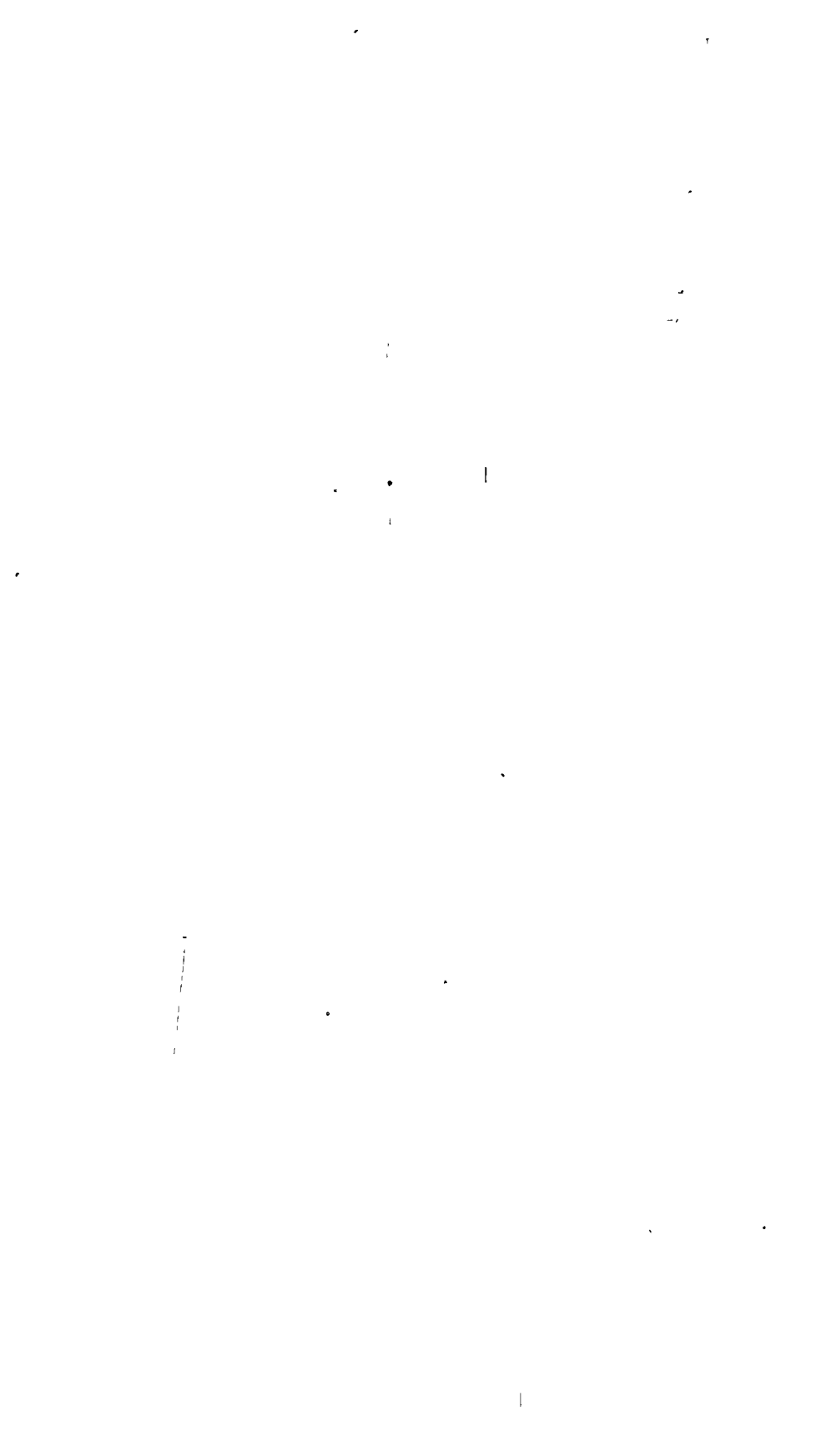
Requesting the President of the United States to remove the United States forces from this State, except the garrison of the coast.

Whereas, The people of the State of Alabama have taken and subscribed the oath of amnesty, as prescribed in the President's proclamation of May 29th, 1865, and have given other and unmistakable evidence of loyalty ; and this convention having complied with the conditions and requirements, necessary to restore the said State to its constitutional relations to the Federal Government : *Therefore,*

Be it resolved by the people of the State of Alabama in convention assembled, That his excellency, Andrew Johnson, President of the United States, be respectfully requested to direct the removal from this State of all United States forces, except the garrison of the coast.

Be it further resolved, That the president of this convention be instructed to transmit a copy of this resolution to his excellency, the President of the United States.

Adopted 30th September, 1865.



INDEX TO ORDINANCES AND RESOLUTIONS.

	PAGE
ADMINISTRATORS—	
Acts and sales of, ratified.....	54
Authorized to compromise debts created during war....	55
APPEALS—	
Allowed from judgments and decrees ratified....	54
APPROPRIATIONS—	
For expenses of convention, \$40,000.....	56
To secretary of convention, for extra services, \$150	70
To printers and probate judges....	70
ATHENS—	
Additional police powers conferred on mayor of..	65
BONDS, STATE—	
To be signed by Provisional Governor, &c.....	66
May be sold to pay interest on debt.....	49, 62
CENSUS—	
To be taken every ten years, (constitutional provision,).....	57
CODE OF ALABAMA—	
Article 3, chapter 4, title 13. of part first, (as to free colored mariners,) repealed,..	66
COLORED MARINERS—	
Provisions of Code relative to, repealed.....	66
COMPTROLLER OF PUBLIC ACCOUNTS—	
To draw warrants in favor of probate judges and printers.....	70
CONGRESS—	
Writs of election for, to be issued by Provisional Governor.....	60
CONGRESSIONAL DISTRICTS—	
Ordinance dividing State into six.....	46
CONSTABLES—	
To be elected on 1st Monday in March.....	60
CONSTITUTION—	
Article 1, section 1, amended, by striking out clause declaring equality of political rights...	48

CONSTITUTION—Continued—

Article 1, section 12, amended, by allowing petty offences to be made triable before justices, &c., without indictment.....	47
Article 3, section 1, amended, by adding clause requiring bills to relate to but one subject, which must be stated in title, &c.....	64
Article 3, section 8, provisions as to right of city or town to separate representation struck out..	50
Article 3, sections 9-10, as to apportionment of representatives, senatorial districts, &c., amended.....	57
Article 3, section 14, as to election of officers of both houses of General Assembly, amended...	50
Article 3, section 25, as to eligibility of senators and representatives to other offices, amended..	51
Article 3, section 26, declaring who are ineligible to General Assembly, amended.....	51
Article 3, section 28, as to meeting of General Assembly, and length of session, amended.....	51
Article 3, section 28 amended, and sections 29, 30, and 31, added, relative to special legislation, taking private property for public use, delegating power of taxation, borrowing money, &c..	58
Article 3, section 34 added, requiring laws to be passed prohibiting marriages between white persons and negroes.....	64
Article 5, section 10, amended, by increasing civil jurisdiction of justices to one hundred dollars..	44
Article 6, section 13, amended, by making decrees of divorce final unless appealed from within three months, and dispensing with ratification by General Assembly	52
Article 6, section 16, as to establishment of new counties, amended	48
Article 6, provisions relating to slaves struck out, and slavery prohibited.....	45
How amended by convention	52
Printing and distribution of one thousand copies, with ordinances, ordered.....	50, 69
Provisional Governor to appoint competent person to prepare index, &c.....	69

CONTRACTS—

Made during war, ratified ..	55
Same, consideration may be shown by parol.....	55, 67

	PAGE
CONVENTION—	
Appropriation for expenses of.....	56
Pay and mileage of members and officers.....	56
Printing for, to be done by public printers	43
Ordinances, &c., of former, declared null and void	48
To amend constitution, how called.. ..	52
CONVEYANCES—	
Made during war, ratified	55
COUNTIES—	
Constitutional amendment as to size of, &c.....	48
COURTS—	
Circuit Court of Baldwin, place of holding to be fixed by judge.....	43
Circuit Courts of eleventh circuit, fall term held when.....	61
Election of judges to be held on 1st Monday in May, 1866.....	60
DEEDS—	
Made during war, ratified	55
DIVORCES—	
Decrees rendered during war, ratified	46
Constitutional amendment, abolishing ratification by General Assembly, &c....	52
Ordinance divorcing J. C. and Fannie Mathews..	64
DOWER—	
Within what time right is barred	61
ELECTIONS—	
Of Governor, senators and representatives, sheriffs, and clerks, to be held on 1st Monday in November.....	
Of municipal officers in Mobile and Montgomery, to be held on 1st Monday in December	60
Of justices of the peace and constables, to be on 1st Monday in March, 1866....	60
Of circuit and probate judges, and city judges in Montgomery, Mobile, and Selma, to be on 1st Monday in May, 1866.....	60
Of members of congress, writs to be issued by Provisional Governor.....	60
General, time of holding to be fixed by law.....	60
EVIDENCE—	
Parol, admissible to prove consideration of contracts made during war.....	55, 67
EXECUTION—	
Stay of, given on judgments, &c., until after adjournment of next General Assembly.....	67

	PAGE
EXECUTORS—	
Acts and sales of, ratified	54
Authorized to compromise debts, &c.....	55
FEES—	
Of probate judges and magistrates, for amnesty and registration oaths.....	56
Same, to be paid by treasurer on comptroller's warrant	70
FLORENCE—	
Additional police powers conferred on mayor of..	65
FREE COLORED MARINERS—	
Provisions of Code relative to, repealed ..	66
FREEDMEN—	
General Assembly authorized to provide for sup- port of.....	63
Laws to be passed for protection of, &c.....	45, 57
Marriages ratified, &c	63
State officers continued as agents of bureau.....	61
GENERAL ASSEMBLY—	
Constitutional amendment as to organization of..	50
Constitutional amendment as to length of session, and establishing annual sessions.....	50
Constitutional amendment as to qualification of members, and eligibility to other offices.....	51
Constitutional amendment as to apportionment of representatives, senatorial districts, &c.....	57
Compensation of members and officers.....	56
Election of members to be on 1st Monday in No- vember	59
Next session to begin on 3d Monday in November	60
Authorized to fix day for general election.....	60
Authorized to make petty offences triable before justice, without indictment.	47
Authorized to modify or repeal ordinance granting police powers to certain mayors.....	66
Authorized to provide for support of freedmen, &c.	63
Forbidden to assume war debt.....	54
Required to pass laws for protection of freedmen..	45, 57
Required to pass laws prohibiting marriages be- tween white persons and negroes.....	65
Required to provide for payment of interest on State debt.....	68
GOVERNOR—	
To be elected on 1st Monday in November	59
See, also, PROVISIONAL GOVERNOR.	

	PAGE
GUARDIANS—	
Acts and sales of, ratified.....	54
Authorized to compromise claims, &c.....	55
HUNTSVILLE—	
Additional police powers conferred on mayor ...	65
INSANE HOSPITAL—	
Governor authorized to raise and lend money, not exceeding \$25,000, to	53
JUDGES—	
Of circuit and probate courts, and of city courts of Montgomery, Mobile, and Selma, to be elected on first Monday in May.....	60
Of sixth circuit authorized to fix place of holding court in Baldwin county.....	43
Of probate, fees for administering oaths, &c	56
Same, to be paid by treasurer on warrant of comptroller.....	70
JUDGMENTS AND DECREES—	
Rendered during the war, ratified, but subject to appeal and new trial.....	54
Decrees of divorce during war, ratified	46
Stay of execution given, until after adjournment of General Assembly	67
JUSTICES OF THE PEACE—	
Civil jurisdiction increased from \$50 to \$100.....	44
Election to be held on 1st Monday in March ...	60
Fees for administering amnesty oath, &c.....	54
Same, to be paid by treasurer on comptroller's warrant	70
LAWS—	
Constitutional amendment, relative to style, subject, &c	64
Enacted during war, ratified.....	44
LIMITATIONS, STATUTE OF—	
As to compensation of time under, generally ...	45
As to widow's right to dower, &c.....	61
LOAN—	
To Provisional Governor, ratified, and debt assumed.....	56
MARRIAGES—	
Between J. C. and Fannie Mathews, annulled...	44
Between freedmen and freedwomen ratified and regulated.....	63
Between white persons and negroes to be prohibited by law.....	65

MATHEWS, J. C. AND FANNIE—	
Divorced by ordinance	64
MILITARY CODE—	
Of 1861 revived, and others repealed	53
MILITIA—	
Ordinance in relation to	53
Provisional Governor requested to call out	44
MOBILE—	
Election of judge of city court, to be held on 1st Monday in May	60
Election of municipal officers, to be held on 1st Monday in December	60
MONTGOMERY—	
Election of city judge on 1st Monday in May ...	60
Election of municipal officers on 1st Monday in December	60
MORTGAGES—	
Made during the war, ratified	55
NEGROES—	
Marriages with white persons to be prohibited by law	65
NEW TRIAL—	
Allowed in case of ratified judgments ..	54
NON-CLAIM—	
Computation of time under statute of	45
OFFICES AND OFFICERS—	
Official acts during war, ratified	54
Offices not filled by Provisional Governor, vacated	59
Officers appointed by Provisional Governor, continued until election and qualification of successors	59, 60
Same, compensation of	68
State officers continued as agents of freedmen's bureau	61
ORDINANCES—	
Of convention of 1861, declared null and void	48, 49
Printing &c. of two thousand copies ordered	50, 69
See, also, Table of Titles and Dates, pages	39, 41
PRINTING—	
For convention, to be done by public printers	43
For provisional government, to be paid by treasurer on warrant of comptroller	56, 70
Of constitution and ordinances, two thousand copies, ordered	50, 69
PROBATE JUDGES—	
Election of, to be held on 1st Monday in May	60
Fees of, for administering oath, &c.	56

	PAGE
PROBATE JUDGES—Continued—	
Same, to be paid by treasurer on warrant of comp- troller.....	70
PROVISIONAL GOVERNMENT—	
Officers of, compensation and salary.....	68
Officers hold office until qualification of successors..	59,60
Sheriffs of, not ineligible a second term	55
PROVISIONAL GOVERNOR—	
Authorized to call out militia.....	44
Authorized to employ person to prepare index to constitution and ordinances	69
Authorized to have constitution and ordinances printed and distributed....	69
Authorized to issue writs of election for congress	60
Authorized to lend money to Insane Hospital....	53
Authorized to sell bonds to pay interest on State debt.....	49,62
Continued in office until installation of successor..	49
Loan to, ratified and assumed.....	56
Must sign State bonds.....	66
Salary of	68
RESOLUTIONS—	
Appropriating \$150 to secretary of convention..	70
Authorizing Provisional Governor to call out mili- tia.....	44
Authorizing Provisional Governor to employ per- son to prepare index to constitution and ordi- nances.....	69
Authorizing Provisional Governor to have consti- tution and ordinances printed and distributed..	69
Authorizing B. M. Woolsey to sell State salt works.....	47,62
Relating to Insane Hospital at Tuscaloosa.....	53
Relating to pay of printers and probate judges ..	69
Relating to publication of constitution and ordi- nances.....	50,69
Relating to State debt.	68
Requesting withdrawal of United States troops..	70
SALT WORKS—	
B. M. Woolsey authorized to sell	47,62
SECESSION—	
Ordinance of, declared null and void.....	48
SECRETARY OF CONVENTION—	
Appropriation to, for extra services, \$150.....	70
Compensation of, \$8 <i>per diem</i>	56

	PAGE
SET-OFF—	
Parol evidence admissible to prove consideration . . .	67, 55
SHERIFFS—	
Election of, to be held on 1st Monday in November	59
Eligibility of, ordinance relative to	55
SLAVERY—	
Ordinance relating to abolition of	45
STATE DEBT—	
Created in aid of war, declared void	53
Existing before the war, to be paid promptly	68
Existing before the war, provision to be made for payment of interest on	25, 62, 68
STAY LAW—	
Stay of execution given on judgments until after adjournment of next General Assembly	67
TRUSTEES—	
Acts and sales of, ratified	54
Authorized to compromise debts	55
UNITED STATES TROOPS—	
Resolution requesting withdrawal of	70
WOOLSEY, B. M.—	
Authorized to sell State salt works	47, 62